

Glenn Goldsmith, President  
A. Nicholas Krupski, Vice President  
Eric Sepenoski  
Liz Gillooly  
Elizabeth Peeples



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## BOARD OF TOWN TRUSTEES TOWN OF SOUTHDOLD

### Minutes

Wednesday, January 19, 2022

5:30 PM

Present Were: Glenn Goldsmith, President  
A Nicholas Krupski, Trustee  
Eric Sepenoski, Trustee  
Liz Gillooly, Trustee  
Elizabeth Peeples, Trustee  
Elizabeth Cantrell, Senior Clerk Typist  
Damon Hagan, Assistant Town Attorney

### CALL MEETING TO ORDER PLEDGE OF ALLEGIANCE

TRUSTEE GOLDSMITH: Good evening, and welcome to our Wednesday January 19th, 2022, meeting. At this time I would like to call the meeting to order and ask that you please stand for the pledge of allegiance.

(PLEDGE OF ALLEGIANCE).

TRUSTEE GOLDSMITH: I'll start off by announcing the people on the dais. To my left we have Trustee Krupski, and we are pleased to welcome our newest members to the Board. We have Trustee Eric Sepenoski, Trustee Liz Gillooly and Trustee Elizabeth Peeples.

To my right we have Assistant Town Attorney Damon Hagan, Senior Clerk Typist Elizabeth Cantrell. we have Court Stenographer Wayne Galante. And from the Conservation Advisory Council we have John Stein.

Agendas for tonight's meeting are out front and posted on the Town's website. We do have a number of postponements tonight.

In the agenda on page 14, numbers 14 and 15; page 15, numbers 16 through 20; page 16, numbers 21 through 24; and on page 17, numbers 25 through 27. They are listed as follows:

Number 14, Jeffrey Patanjo on behalf of **JENNIFER LEUBA & VICTOR HOU** requests a Wetland Permit to construct bluff stairs consisting of a 4'x8' top platform leading to 4'x13' steps down to a 4'x4' platform to 4'x13' steps down to a 4'x4' platform to

4'x12' steps down to a 6'x8' platform with benches to 4'x12' steps down to a 4'x4' platform to 4'x13' steps down to a 4'x4' platform to 4'x13' steps down to a 4'x4' platform down to 4'x13.43' steps to a 4'x4' platform and 4'x13' steps to beach.

Located: 950 Red Fox Road, Mattituck. SCTM# 1000-106-1-23.1

Number 15, **BRANKO & MARGARET PEROS** requests a Wetland Permit for the existing one and one-half story dwelling with a 1,200sq.ft. footprint, existing 8'x12' (98sq.ft.) front porch and 460sq.ft. rear deck; reconstruct the northerly wall in order to install new sliding doors; remove existing second story and construct new 32 ½ 'x24.8' second-story with a new 6.4'x11.2' balcony.

Located: 815 Rabbit Lane, East Marion. SCTM# 1000-31-17-18

Number 16, AMP Architecture on behalf of **9450 MAIN BAYVIEW, LLC** requests a Wetland Permit to construct a proposed two-story dwelling with full basement consisting of a proposed 20'x41' (820sq.ft.) two-story area and a 18'x18' (324sq.ft.) one-story area; a proposed 4'x17.8' (70.8sq.ft.) front covered porch; a proposed 6.2'x21.0' (88sq.ft.) front covered patio; a proposed 5'x29' (145sq.ft.) second story balcony; a proposed basement window well and concrete entry stair; install a new I/A OWTS landward of dwelling; install an 810sq.ft. pervious driveway; install a proposed 15'6"x29' (450sq.ft.) pervious patio at grade against the seaward side of dwelling; install gutters to leaders to two (2) 8'x4' deep drywells to contain roof runoff; install one (1) 1,000 gallon propane tank buried at front of property; install new buried utility connections at front and side of property; proposed regrading at perimeter of proposed rear of dwelling consisting of approximately 8,865 cubic feet of earth to be removed for construction excavation, the majority to remain at site for backfill and 2,300 cubic feet to be used for proposed regrading.

Located: 9450 Main Bayview Road, Southold. SCTM# 1000-87-5-22

Number 17, Suffolk Environmental Consulting on behalf of **POE BOAT STORAGE, LLC, c/o WILLIAM LIEBLEIN** requests a Wetland Permit for the as-built clearing along eastern portion of the property (8,260sq.ft.), and by establishing and perpetually maintaining a 10' wide vegetated buffer area landward of the existing top of bank.

Located: 63125 & 63285 Route 25, Southold. SCTM# 1000-65-4-13.3 & 14

Number 18, Raymond Nemschick, AIA on behalf of **ROGER SIEJKA** requests a Wetland Permit to construct a two-story, single-family dwelling with a basement; first floor is 24'5" wide by 50'0" deep; front porch is 11'0" wide, 6'2" deep; rear veranda (deck) is 24'5" wide by 10' deep; and overall max height is 32'3".

Located: 955 Blossom Bend, Mattituck. SCTM# 1000-115-6-22

Number 19, Cole Environmental Services on behalf of **SCOTT & LEA VITRANO** requests a Wetland Permit to remove existing pier and float; construct a proposed 4'x14' landward ramp leading to a 4'x35' fixed pier with Thru-Flow decking a minimum of 4' above wetlands; a proposed 3'x12' metal ramp; and a 4'x20' floating

dock situated in a "T" configuration and secured by two (2) 8" diameter piles.

Located: 3875 Main Bayview Road, Southold. SCTM# 1000-78-2-15.1

Number 20, Twin Forks Permits on behalf of

**SCOTT ROSEN & LORI GOEDERS ROSEN** requests a Wetland Permit to construct additions and alterations to the existing 3,742.1sq.ft. dwelling consisting of a landward side 27'x7' (184.5sq.ft.) addition; an approximate 25'x28' varying dimensions (302sq.ft.) addition onto the southwest corner of the dwelling; construct an approximately 14'x5' varying dimension (29.6sq.ft.) addition to the existing 747sq.ft. upper level deck that will have approximately 310sq.ft. of deck removed in order to accommodate the addition to dwelling; for the existing 267sq.ft. lower deck to remain; construct a 22'x22' second story addition; relocate existing bilco doors to accommodate new addition; remove existing septic system and install an I/A septic system; install gutters to leaders to drywells to contain roof runoff; and to install a row of staked hay bales and/or erosion control silt fencing.

Located: 850 Lupton Point Road, Mattituck. SCTM# 1000-115-11-16

Number 21, Costello Marine Contracting Corp. on behalf of

**JOSEPH & MARY ELLEN LOGIUDICE** request a Wetland Permit to construct a 4'x40' landward ramp onto a 4'x110' fixed dock with a 4'x40' "L" section at seaward end; construct a 4'x40' lower platform with a 5'x4' access platform and a 4'x16' ramp; install three (3) two-pile dolphins; and provide water and electrical service to dock.

Located: 10995 North Bayview Road, Southold. SCTM# 1000-79-5-20.14

Number 22, Jeffrey Patanjo on behalf of **ANTHONY & BEATRICE**

**FALCONE** requests a Wetland Permit to install a proposed 4'x6' cantilevered platform off of bulkhead; a 30" wide by 14' long aluminum ramp; and a 6'x20' floating dock supported with two (2) 10" diameter CCA piles and situated parallel to the bulkhead.

Located: 405 Williamsberg Road, Southold. SCTM# 1000-78-5-17

Number 23, Costello Marine Contracting Corp. on behalf of

**FOUNDERS LANDING BOATYARD, LLC** requests a Wetland Permit for a Ten (10) Year Maintenance Dredge Permit to dredge a 2,400sq.ft. Area to -7.0' below mean low water, removing approximately 240 cubic yards of spoil; dredge spoils to be trucked off site to an approved disposal site.

Located: 2700 Hobart Road & 1000 Terry Lane, Southold;  
SCTM#s 1000-64-3-10 & 1000-64-3-11

Number 24, Jeffrey Patanjo on behalf of **MIKHAIL RAKHMANINE**

**& JENNIFER V. RAKHMANINE REVOCABLE TRUST** requests a Wetland Permit to remove existing timber bulkhead and replace with 131 linear feet of new vinyl bulkhead in same general location and raise the height an additional 18" above existing top cap elevation; a total of 45 cubic yards of clean sand fill will be placed landward of the proposed bulkhead and utilized as fill due to raised height of bulkhead; construct a proposed 4' wide by 48' long fixed pier utilizing Thru-Flow decking over wetlands and non-treated timber decking on remainder which will lead to a

30" wide by 14' long aluminum ramp and a 6' wide by 20' long floating dock with un-treated decking, supported with two (2) 10" diameter CCA piles, situated in an "I" configuration; a 35'x24' dredging area surrounding the proposed floating dock will be dredged to a depth of 36" below mean low water removing a total of 65 cubic yards of spoils which will be removed from the site to an approved upland location; and for a proposed 10' wide non-turf buffer to be installed and perpetually maintained along the landward edge of the proposed bulkhead and consist of beach sand, mulch or pea gravel.

Located: 685 Bungalow Lane, Mattituck. SCTM# 1000-123-3-9

Number 25, Michael Kimack on behalf of **TIMOTHY J. & GINAMARIE STUMP** requests a Wetland Permit to construct approximately 315 linear feet of hybrid low sill bulkhead; backfill with approximately 100 cubic yards of coarse clean sand just below lowered sheathings; maintain approximately 2 ½ to 1 slope from top of sloughed bank and then flat to bulkhead; install approximately 3,200sq.ft. of filter fabric over disturbed area and fasten with 8" galvanized pins; plant *Spartina alterniflora* to high water mark and then *Spartina patens* to undisturbed line @ one (1) foot on-center (±3,200 plants).

Located: 2200 Minnehaha Boulevard, Southold. SCTM# 1000-87-3-61

Number 26, Michael Kimack on behalf of **JANICE HILLMAN SHYLES a/k/a JANICE HILLMAN REVOCABLE TRUST** requests a Wetland Permit to construct a 4'x18' walkway with a staircase consisting of three (3) treads and four (4) risers with Thru-Flow decking (72sq.ft.), connected to a 4'x24' fixed dock with Thru-Flow decking (96sq.ft.), 168sq.ft. total; and to install 14 - 8" diameter pilings.

Located: 8340 Main Bayview Road, Southold. SCTM# 1000-87-5-23.2

Number 27, Michael Kimack on behalf of **MARIA H. PILE** requests a Wetland Permit to construct a 36.0'x34.7' (1,249.2sq.ft.) two-story dwelling on foundation in accordance with FEMA standards for a AE zone; and a pervious driveway.

Located: 420 Lake Drive, Southold. SCTM# 1000-59-1-21.2

Those have all been postponed.

Under Town Code Chapter 275-8(c), files were officially closed seven days ago. Submission of any paperwork after that date may result in a delay of the processing of the applications.

## **I. NEXT FIELD INSPECTION:**

TRUSTEE GOLDSMITH: At this time I'll make a motion to have our next field inspection on Tuesday, February 8th, 2022, at 8:00 AM.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

## **II. NEXT TRUSTEE MEETING:**

TRUSTEE GOLDSMITH: I'll make a motion to hold our next Trustee

meeting Wednesday, February 16th, 2022, at 5:30 PM, at the Town Hall main meeting hall.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

### III. WORK SESSIONS:

TRUSTEE GOLDSMITH: I'll make a motion to hold our next work session, Monday February 14th, 2022, at 5:00 PM, at the Town Hall Annex 2nd floor Executive Board Room; and on Wednesday, February 16th, 2022, at 5:00 PM in the Town Hall main meeting hall and via Zoom online platform.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

### IV. MINUTES:

TRUSTEE GOLDSMITH: I'll make a motion to approve the Minutes of the December 15th, 2021 meeting.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

### V. MONTHLY REPORT:

TRUSTEE GOLDSMITH: The Trustees monthly report for December 2021. A check for \$10,482.38 was forwarded to the Supervisor's Office for the General Fund.

### VI. PUBLIC NOTICES:

TRUSTEE GOLDSMITH: Public Notices are posted on the Town Clerk's Bulletin Board for review.

### VII. RESOLUTIONS - OTHER:

TRUSTEE GOLDSMITH: Under Roman numeral VII, Resolutions Other, I'll make a motion to approve as a group items 1, 2, 3, 4 and 5. They are listed as follows:

Number 1, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **DAVID & BARBARA HAZARD**;

Located: 1465 Harbor Lane, Cutchogue. SCTM# 1000-103-2-1.1

Number 2, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **LEFKARA HOLDINGS, LLC, c/o NEOFITOS STEFANIDES**;

Located: 1070 The Strand, East Marion. SCTM# 1000-30-2-77

Number 3, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **KONSTANTINOS ZOITAS**;

Located: 980 The Strand, East Marion. SCTM# 1000-30-2-78

Number 4, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **DEMETRA MAKRIS**;

Located: 910 The Strand, East Marion. SCTM# 1000-30-2-81

Number 5, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **JUSTIN & ALLISON SCHWARTZ**;

Located: 2793 Cox Neck Road, Mattituck. SCTM# 1000-113-8-7.6

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

### **VIII. STATE ENVIRONMENTAL QUALITY REVIEWS:**

TRUSTEE GOLDSMITH: Under Roman numeral VIII, State Environmental Quality Reviews, **RESOLVED** that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section XIII Public Hearings Section of the Trustee agenda dated Wednesday, January 19, 2021 are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA: As written:

Samuel J. Dimeglio, Jr. SCTM# 1000-123-4-6

Sadik Halit Legacy Trust SCTM# 1000-33-1-16

John & Margaret Krepp SCTM# 1000-57-2-42.8

Koehler Family Limited Partnership SCTM# 1000-117-3-6

Barbara Bodkin SCTM# 1000-37-5-2

Steven & Danielle Porto SCTM# 1000-111-9-10

Walter Hellier SCTM# 1000-10-7-20

Lisa & David Cifarelli SCTM# 1000-128-6-13.3

D. Cannizzaro QRPT & B. Miltakis QRPT, c/o John Miltakis,  
Trustee SCTM# 1000-103-10-29.1

Cove Condominium Owners Association SCTM# 1000-87-5-26

Vasilis & Christine Fthenakis SCTM# 1000-111-15-9

TRUSTEE GOLDSMITH: That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: **RESOLVED** that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section XIII Public Hearings Section of the Trustee agenda dated Wednesday, January 19, 2021, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations, as written:

Lefkara Holdings, LLC, c/o Neofitos Stefanides  
SCTM# 1000-30-2-77

Konstantinos Zoitias SCTM# 1000-30-2-78

Demetra Makris SCTM# 1000-30-2-81

Justin & Allison Schwartz SCTM# 1000-113-8-7.6

Frank Marsilio SCTM# 1000-115-12-15

David & Barbara Hazard SCTM# 1000-103-2-1.1

TRUSTEE GOLDSMITH: That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

**IX. ENVIRONMENTAL DECLARATION OF SIGNIFICANCE PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT NYCCR PART 617:**

TRUSTEE GOLDSMITH: Under Roman numeral IX, Environmental Declaration of Significance Pursuant to New York State Environmental Quality Review Act NYCCR Part 617:

Number 1, **DESCRIPTION OF ACTION:** Michael Kimack on behalf of

**DAVID & BARBARA HAZARD** requests a Wetland Permit for the existing dock consisting of an existing 4'x8' (32sq.ft.)

landward deck to a 5'x18' (90sq.ft.) fixed catwalk; existing

3'x18' (54sq.ft.) aluminum ramp; and existing 6'x20' (120sq.ft.)

floating dock; construct a 4'x12' (48sq.ft.) fixed dock extension with

Thru-Flow decking; relocate aluminum ramp and floating dock 12' further

seaward and situate the floating dock in a "T" configuration; reface existing

bulkhead, approximately 100 linear feet @ avg. 3' in height (300sq.ft.) with

2"x10" tongue & groove HDPE dimensional lumber with 8" diameter pilings

@ 6' on-center for additional support.

Located: 1465 Harbor Lane, Cutchogue. SCTM# 1000-103-2-1.1

**S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:**

WHEREAS, the Southold Town Board of Trustees are familiar with

this project having visited the site on January 11, 2022, and

having considered the survey of property by John Gerd Heidecker

dated July 2, 2018, and having considered the plans for this

proposed project submitted by Michael Kimack dated November 12,

2021 at the Trustee's January 13, 2022 work session; and

WHEREAS, on January 19, 2022 the Southold Town Board of Trustees

declared itself Lead Agency pursuant to S.E.Q.R.A.; and

WHEREAS, on January 19, 2022 the Southold Town Board of Trustees

classified the application as an unlisted action under

S.E.Q.R.A.; and

WHEREAS, in reviewing project plans submitted by Michael Kimack

dated November 12, 2021, it has been determined by the Board of

Trustees that all potentially significant environmental concerns

have been addressed as noted herein:

- Navigation: The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are within Town Trustees, New York State Department of Environmental Conservation and United States Army Corps. Of Engineers guidelines and there is no recognized Federal/New York State/Town navigation channel in the immediate vicinity of the proposed structure.
- Scope: The proposed dock is comparable to docks on neighboring properties in an area where docks historically are used for commercial and recreational purposes.

- Scope in relation to the riparian rights of shell fishers: The plan allows a standard fixed catwalk to float design that will not impede access for those seeking shellfish and crustacea in season.
- Environmental upkeep: The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

So moved.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, **DESCRIPTION OF ACTION:** Jeffrey Patanjo on behalf of **LEFKARA HOLDINGS, LLC, c/o NEOFITOS STEFANIDES** requests a Wetland Permit and a Coastal Erosion Permit to install 68 linear feet of rock revetment at toe of existing eroded bluff to replace existing temporary sand bags; install 60 cubic yards of clean sand fill and Cape American beach grass on entire bluff to protect property against additional storm erosion.

Located: 1070 The Strand, East Marion. SCTM# 1000-30-2-77

**S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:**

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on January 11, 2022, and having considered the survey of property by Nathan Taft Corwin III Land Surveyor last dated June 5, 2017, and having considered the plans for this proposed project submitted by Jeffrey Patanjo dated October 25, 2021 at the Trustee's January 13, 2022 work session; and

WHEREAS, on January 19, 2022 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and

WHEREAS, on January 19, 2022 the Southold Town Board of Trustees classified the application as an unlisted action under S.E.Q.R.A.; and

WHEREAS, in reviewing project plans submitted by Jeffrey Patanjo dated October 25, 2021 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bluff alone.
- Protection of the toe of bluff using hardened structures including rock revetment is necessary.
- No existing rocks or boulders are to be utilized, moved, or relocated on the beach.
- As time progresses, continued soil loss at the toe of the bluff may lead to habitat degradation and bluff



instability.

- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bluff stabilization/erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

So moved.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 3, **DESCRIPTION OF ACTION:** Jeffrey Patanjo on behalf of **KONSTANTINOS ZOITAS** requests a Wetland Permit and a Coastal Erosion Permit to install 67 linear feet of rock revetment at toe of existing eroded bluff to replace existing temporary sand bags; install 15 cubic yards of clean sand fill and Cape American beach grass on entire bluff. Located: 980 The Strand, East Marion. SCTM# 1000-30-2-78

**S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:**

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on January 11, 2022, and having considered the survey of property by Peconic Surveyors, P.C. last dated March 5, 2021, and having considered the plans for this proposed project submitted by Jeffrey Patanjo dated October 25, 2021 at the Trustee's January 13, 2022 work session; and

WHEREAS, on January 19, 2022 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and  
WHEREAS, on January 19, 2022 the Southold Town Board of Trustees classified the application as an unlisted action under S.E.Q.R.A.; and  
WHEREAS, in reviewing project plans submitted by Jeffrey Patanjo dated October 25, 2021 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bluff alone.
- Protection of the toe of bluff using hardened structures including rock revetment is necessary.
- No existing rocks or boulders are to be utilized, moved, or relocated on the beach.
- As time progresses, continued soil loss at the toe of the bluff may lead to habitat degradation and bluff instability.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bluff stabilization/erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of

Negative Declaration pursuant to SEQRA for the aforementioned project.  
So moved.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: Number 4, **DESCRIPTION OF ACTION:** Jeffrey Patanjo on behalf of **DEMETRA MAKRIS** requests a Wetland Permit and a Coastal Erosion Permit to install 71 linear feet of rock revetment at toe of existing eroded bluff to replace existing temporary sand bags; install 15 cubic yards of clean sand fill and Cape American beach grass on entire bluff.  
Located: 910 The Strand, East Marion. SCTM# 1000-30-2-81

**S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:**

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on January 11, 2022, and having considered the survey of property by Nathan Taft Corwin III Land Surveyor last dated July 7, 2006, and having considered the plans for this proposed project submitted by Jeffrey Patanjo dated October 12, 2021 at the Trustee's January 13, 2022 work session; and

WHEREAS, on January 19, 2022 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and

WHEREAS, on January 19, 2022 the Southold Town Board of Trustees classified the application as an unlisted action under S.E.Q.R.A.; and

WHEREAS, in reviewing project plans submitted by Jeffrey Patanjo dated October 12, 2021 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bluff alone.
- Protection of the toe of bluff using hardened structures including rock revetment is necessary.
- No existing rocks or boulders are to be utilized, moved, or relocated on the beach.
- As time progresses, continued soil loss at the toe of the bluff may lead to habitat degradation and bluff instability.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bluff stabilization/erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.  
So moved.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: Number 5, **DESCRIPTION OF ACTION:** Cole Environmental Services on behalf of **JUSTIN & ALLISON SCHWARTZ** requests a Wetland Permit to construct a proposed 4'x165' fixed pier with open grate decking a minimum of 4' above tidal vegetative grade; a 3'x16' aluminum ramp; a 6'x20' floating dock situated in an "T" configuration; and to install a natural path leading from upland to fixed pier using permeable material. Located: 2793 Cox Neck Road, Mattituck. SCTM# 1000-113-8-7.6

**S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:**

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on January 11, 2022, and having considered the survey of property by Kenneth M. Woychuk Land Surveying, PLLC. Last dated September 20, 2019, and having considered the plans for this proposed project submitted by Cole Environmental Services last dated September 2021 at the Trustee's January 13, 2022 work session; and WHEREAS, on January 19, 2022 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and WHEREAS, on January 19, 2022 the Southold Town Board of Trustees classified the application as an unlisted action under S.E.Q.R.A.; and WHEREAS, in reviewing project plans submitted by Cole Environmental Services last dated September 2021, it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are within Town Trustees, New York State Department of Environmental Conservation and United States Army Corps. Of Engineers guidelines and there is no recognized Federal/New York State/Town navigation channel in the immediate vicinity of the proposed structure.
- Scope: The proposed dock is comparable to docks on neighboring properties in an area where docks historically are used for commercial and recreational purposes.
- Scope in relation to the riparian rights of shell fishers: The plan allows a standard fixed catwalk to float design that will not impede access for those seeking shellfish and crustacea in season.
- Environmental upkeep: The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

So moved.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

#### **XI. RESOLUTIONS - ADMINISTRATIVE PERMITS:**

TRUSTEE GOLDSMITH: Under Roman numeral XI, Resolutions - Administrative Permits. In order to simplify our meetings, we regularly group items that are similar or minor in nature. Accordingly, I'll make a motion to approve as a group items 1 through 3. They are listed as follows:

Number 1, Amato Law Group, PLLC on behalf of **40200 MAIN LLC c/o VERIZON WIRELESS** requests an Administrative Permit for its existing Verizon wireless communication facility and the replacement of its existing generator. Located: 40200 Main Road, Orient. SCTM# 1000-15-9-8.1

Number 2, Thomas O'Dwyer, PE on behalf of **JOANNA CHERNUSHKA LIVING TRUST** requests an Administrative Permit to replace a failed sanitary system with an I/A OWTS system. Located: 600 Rabbit Lane, East Marion. SCTM# 1000-31-18-13

Number 3, Thomas O'Dwyer, PE on behalf of **JOSEPH CHERNUSHKA LIVING TRUST** requests an Administrative Permit to replace a failed sanitary system with an I/A OWTS system. Located: 640 Rabbit Lane, East Marion. SCTM# 1000-31-18-20.1

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

#### **X. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:**

TRUSTEE GOLDSMITH: Under Roman numeral number X, Applications for Extensions, Transfers and Administrative Permits, I'll make a motion to approve as a group numbers 1 and 5. They are listed as follows:

Number 1, Martin D. Finnegan, Esq., on behalf of **VICTOR P. & GLORIA E. ALSOBROOK** requests a Transfer of Wetland Permit #4675 from Dolores Holman to Victor P. & Gloria E. Alsobrook, as issued on November 25, 1996. Located: 130 West Lake Drive, Southold. SCTM# 1000-90-1-19

Number 5, Patricia C. Moore, on behalf of **JAMES & KATHIE CAPOZZI** requests an Administrative Amendment to Wetland Permit #9903 to construct an 8'x6' outdoor shower with wood enclosure door. Located: 1525 Gull Pond Lane, Greenport. SCTM# 1000-35-4-12

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, Martin D. Finnegan, Esq., on behalf of **VICTOR P. & GLORIA E. ALSOBROOK** requests a Transfer of Wetland Permit #6-88-90-1-19 from Dolores Holman to Victor P. & Gloria E. Alsobrook, as issued on August 25, 1989. Located: 130 West Lake Drive, Southold. SCTM# 1000-90-1-19

The Trustees conducted a field inspection on January 11th, 2022, noting that the groins that were supposed to be in this permit do not exist, and/or are non-functional, therefore we cannot transfer this permit.

So I will make a motion to deny this application without prejudice.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: Number 3, Jeffrey Patanjo on behalf of **OLIVER HENDERSON & STEFANIE LEONG** requests an Administrative Amendment to Wetland Permit #9861 for the installation of continuous hand railing consisting of top rail and center rail and the installation of electric and water to end of fixed dock.

Located: 775 Wood Lane, Peconic. SCTM# 1000-86-6-9

The Trustees conducted a field inspection on January 11th, 2022.

I will make a motion to approve this application with the condition that there is an underwriter certificate for the electrical to the dock.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: Number 4, **ALYSE TICKER** requests an Administrative Amendment to Wetland Permit #9679 to connect water and electricity to the approved dock.

Located: 1685 Westview Drive, Mattituck. SCTM# 1000-107-7-8

Again, the Trustees conducted a field inspection on January 11th, noting it was straightforward, but I will also make a motion to approve this application with the condition that there is an underwriter certificate for the electric.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

### **XIII. PUBLIC HEARINGS:**

TRUSTEE GOLDSMITH: Under Roman numeral XIII, Public Hearings, at this time I'll make a motion to go off our regular meeting agenda and enter into public hearings.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: This is a public hearing in the matter of the following applications for permits under the Wetlands Ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public. Please keep your comments organized and brief, five minutes or less, if possible.

### **AMENDMENTS:**

TRUSTEE GOLDSMITH: Number 1, **SAMUEL J. DIMEGLIO, JR.** requests an Amendment to Wetland Permit #9454 for the as-built water side

Trex-type deck with 1/4" spacing in lieu of Thru-Flow decking/open grate deck; as-built 5'x9.2' wood staircase on west side of property; as-built water side Trex-type 7.5'x10' staircase to ground; as-built front entry 6'x5' roof-over platform with 5.3'x4.6' stairs to ground; and to revegetate the 50' wide non-disturbance buffer by planting 3" caliper trees and other vegetation. Located: 2280 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-6

The Trustees conducted a field inspection January 11th, 2022, where we noted the need to delineate the edge to the 50-foot buffer. We reviewed the planting plan in work session. We found that the planting plan was a little sparse. We talked about the possibility of adding some eastern red cedars.

The LWRP deems this to be inconsistent. The inconsistencies are the as-built structure and clearing of 50' wide non-disturbance buffer was constructed without Board of Review or permit. Note that the 50-foot wide non-disturbance buffer was also a non-fertilization buffer shown on the 2006 approved plans with the purpose of protecting the water quality of Deep Hole Creek.

The Conservation Advisory Council resolved not to support the application with the as-built materials on the structure. It is recommended that the structure be reconstructed as originally authorized.

MR. DIMEGLIO, JR.: Can I speak in that regard?

TRUSTEE GOLDSMITH: Is there anyone here who wishes to speak in that regard?

MR. DIMEGLIO, JR.: Yes. My name is Sam Dimeglio, Jr. I'm the applicant. With respect to the delineating the edge, that can be easily added. I believe my, we retained the services of a local landscape contractor Coastal Plantings, they will easily add whatever the Board requires.

But I'm more concerned with the structure itself. If I may ask what the Board is contemplating as to --

TRUSTEE GOLDSMITH: I don't believe that we had any particular problems with the structure. You know, this was, when we went out to do the final, that's when we noticed a few things.

MR. DIMEGLIO, JR.: I was there, yes.

TRUSTEE GOLDSMITH: They were fairly minor. It was the thru-flow decking that was supposed to be on the rear deck. It's not. Patio. So our main concern from this point of view was the 50-foot non-disturbance buffer. So speaking as one member of the Board, I don't necessarily think we had any problems with the structure itself. It was more with that 50-foot non-disturbance buffer.

MR. DIMEGLIO, JR.: So what would be necessary at this point to obtain approval? May I be able to get conditional approval at this point pending -- I can't plant anything now. So Mr. Zuhoski from Coastal Plantings had made representations at the site inspections that he'll plant whatever plants are necessary, and I guess, I can't think of the word, that can be planted there to the satisfaction of the Board. So.

TRUSTEE GOLDSMITH: Yes. I think we did, in further discussion at the work session, had some concerns with the proposed wood beam

for delineation. I think you proposed 2x6's?

MR. DIMEGLIO, JR.: I can do post and rail fence if necessary.

TRUSTEE GOLDSMITH: Yes, we would like something a little more substantial than what was done.

MR. DIMEGLIO, JR.: Easily done.

TRUSTEE GOLDSMITH: And then also I think we discussed three or four eastern red cedars in addition to the five maple and/or oaks that he had proposed.

MR. DIMEGLIO, JR.: Okay.

TRUSTEE GOLDSMITH: So if we can get new plans that show the extra trees with split-rail fence to delineate the non-disturbance buffer, I think that goes a long way to --

MR. DIMEGLIO, JR.: New plans for the post and rail fence, additional, those are the three-inch calipers, correct?

TRUSTEE GOLDSMITH: Yes. Please.

MR. DIMEGLIO, JR.: Three to four or those --

TRUSTEE KRUPSKI: Eastern red cedar.

MR. DIMEGLIO, JR.: I think Mr. Zuhoski will know what those are. But will that hold off approval of this petition, amendment right now? I can't plant. I mean, I can get Mr. Zuhoski to do that, I just don't want to be put off --

TRUSTEE KRUPSKI: Not to interrupt, you, but to that point, you can't plant. So it's not even like we are holding up the work, necessarily, at this point. So we would need to see those trees on a new plan just so that when we move forward we have a written copy of what we are looking at.

MR. DIMEGLIO, JR.: Will that require additional postings, hearings?

TRUSTEE GOLDSMITH: Nope.

MR. DIMEGLIO, JR.: I'm not that familiar with the process.

TRUSTEE GOLDSMITH: No, just the plans that we received, stamped received November 23rd, 2021. So that planting plan, just add the eastern red cedars to that plan as well as the post and rail fence.

TRUSTEE GILLOOLY: Should we also consider an Administrative Permit for an access path there? The four-foot wide access path?

TRUSTEE GOLDSMITH: And with that application, as Trustee Gillooly pointed out, just put in for the four-foot wide access path as well. It's on your plans but it's not in your project description. So that way everything is permitted in.

TRUSTEE PEEPLES: And going back to the vegetation plan, I believe we also had discussed the idea of, when we were onsite, it was suggested there would be irrigation. We would just like a note that confirms the irrigation would be above ground. To see that it's temporary versus as a more permanent.

MR. DIMEGLIO, JR.: Above ground. I know in the front he put the soaker hoses. Is that --

TRUSTEE GOLDSMITH: That would be perfect. Yes, we just don't want to sink irrigation pipe.

MR. DIMEGLIO, JR.: No, no, no. Okay.

TRUSTEE PEEPLES: Thank you.

MR. DIMEGLIO, JR.: All right. Thank you. So once I submit those

plans then if everything is to the Board's approval, to the Board's requirement, then at that point I could be granted the C of C without a hearing or a vote?

TRUSTEE GOLDSMITH: Yes. So you don't need to repost or anything like that. You bring the new plans to us next month. We would have that, before next month, we would have the hearing like we are having now. In theory if everything is up to snuff we would approve it and at that point you have your permit for it, the C of C. Is it the planting? (Perusing). If I'm not mistaken, there is an issue with the bank with the C of C or something like that?

MR. DIMEGLIO, JR.: Yes. What happens is, in order for me to get the CO, I need the C of C, and the bank called in the loan. So they are going to penalize me, last notice I got was \$8,000 a month.

TRUSTEE KRUPSKI: We'll research that a little bit within the next month in terms of issuing the C of C. I think for now we should probably focus on the application at hand. But we'll look into if there is any anything we can do about that within the next month.

MR. DIMEGLIO, JR.: But I don't have to come back with a hearing?

TRUSTEE GOLDSMITH: There will be a hearing for next month.

MR. DIMEGLIO, JR.: On next month's calendar?

TRUSTEE GOLDSMITH: Yes. So we'll table this application until we get the new plan that shows the eastern red cedars, that shows the split rail fence, that depict the four-foot wide access path with the condition that above ground soaker hose or anything like that is used for temporary irrigation. So you get that to us then for our next month's meeting, then we can vote on that application.

MR. DIMEGLIO, JR.: When is next month's meeting?

TRUSTEE GOLDSMITH: I just read it. Hold on. February 16th.

MR. DIMEGLIO, JR.: Okay, thank you, so much.

TRUSTEE GOLDSMITH: Anyone else here wish to speak on behalf of this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to table this application.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

#### **WETLAND & COASTAL EROSION PERMITS:**

TRUSTEE KRUPSKI: Under Wetland & Coastal Erosion Permits, number 1, **SHEENA ACHARYA & ADRIAN SAPOLLNIK** request a Wetland Permit and a Coastal Erosion Hazard Permit to raise the approximately 100 linear foot long top retaining wall by 12 inches using two six (6) inch railroad ties; remove and replace existing timber railing with 36 inch high cable and wood railing above the proposed raised top retaining wall; new proposed railing will consist of 86' of railing and a 4' wide, 48" high gate followed by 10' of railing; remove and replace existing east



side returns along eastern property line and extend to approximately 40' with railroad ties keeping the line with the proposed raised top retaining wall; remove one dead tree from eastern side of property; install a dry laid gravel pathway from the front of the property to the existing back patio on the eastern side of property; remove existing asphalt semi-circular driveway; install a proposed 24' wide driveway from the existing shed to the roadside and line using pavers; install a 4' wide masonry walkway at grade level from the proposed driveway to front entrance to dwelling; install a 5'x10' front masonry patio at grade level in front of the west side sliding doors; install dry-laid stepping stones from the proposed front patio to the proposed southwest corner patio and existing back patio; install a 5'x8' masonry patio at grade level on the southwest corner of the dwelling; remove and replace existing 62'x28' wave shaped masonry back patio at grade level with rectangular shaped patio using similar type of material and at grade level; remove and replace existing 75' side returns along the west side of property line using railroad ties keeping in line with the proposed raised top retaining wall.

Located: 645 Glen Court, Cutchogue. SCTM# 1000-83-1-7

The Trustees most recently did a review of this application on the 11th of January and noted the need to add at least a ten-foot non-turf buffer landward of the bulkhead at top of bluff. The rest of the project seems fairly straightforward. Which echoes the sentiment a month prior from field inspections.

The LWRP coordinator found this to be consistent.

And the Conservation Advisory Council resolved not to support the application. The Conservation Advisory Council did not support the application. The majority of the proposed work has already been completed and should be applied for as an as-built.

The Conservation Advisory Council questions the permeability of the large patio and walkway, drywell should be installed to contain any runoff from non-permeable areas.

Is there anyone here who wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant. And we have no problems with a ten-foot non-turf buffer at the top of the bluff.

TRUSTEE KRUPSKI: Okay. After reviewing the patio in the field, I think the way the property is going to end up it won't be pitched toward the bluff. I definitely understand the Conservation Advisory Council's comments with that. But I do not believe that that is going to become a waterfall effect.

MR. PATANJO: And in addition we are installing the non-turf buffer and the retaining wall being raised by six inches will stop any water flowing down the bluff.

TRUSTEE KRUPSKI: Thank you. So we'll just need new plans showing the ten foot.

MR. PATANJO: Yup.

TRUSTEE KRUPSKI: Is there anyone else here wishing to speak regarding this application?

(Negative response).

Any additional comments from members of the Board?

MS. CANTRELL: The property owner would like to speak.

MS. ACHARYA: Hi. My name is Sheena Acharya. And Adrian Sapollnik is here as well.

We, are, just to understand, that the buffer along the bluff, I'm not sure what additional plans have to be submitted.

TRUSTEE KRUPSKI: So when the Board requires something to be done with your project, it has to be on the plan before we approve.

So that line has to be on the plan to move forward and vote on the application.

MR. SAPOLLNIK: Sorry we couldn't quite understand what the concern around what the ten feet related to.

TRUSTEE KRUPSKI: I don't know exactly what you are asking. Are you asking why it has to be on the plans or are you asking why there would be a ten-foot non-turf buffer?

MR. SAPOLLNIK: We couldn't hear the back and forth when you were talking with Jeff, so it was a little unclear. So we just wanted to understand why the ten feet is required. What is the reason for the ten feet. We understand you want it on the plan but I'm trying to understand what the intent is of the ten feet.

TRUSTEE KRUPSKI: So the Trustees look at, and I mean I'm not going to go into a whole history lesson on this right now. Basically every application that comes before this Board is getting a minimum of a ten-foot non-turf buffer. Very briefly, the various reasons are to prevent nitrogen from running into the water body. In the case of something like a bluff along a coastal, the Sound, essentially, in Chapter 111, we are doing that so we don't get runoff going down the bluff and eroding the bluff. It's been the practice of pretty much every single application here is going forward with at minimum a ten-foot. I mean in the case of a bluff like this, a 20 would honestly be a lot more appropriate.

MR. SAPOLLNIK: So this is on the top bluff of our property or, because we have a bluff at the top -- we have the top retaining wall, because we have a retaining wall at the top of the property and that's about another hundred feet before you get to the water.

TRUSTEE KRUPSKI: That's correct. This is at the top.

MR. SAPOLLNIK: So the concern is runoff from the top that damages the Sound? Or that damages the bluff?

TRUSTEE GOLDSMITH: The bluff, in that instance.

MR. SAPOLLNIK: Okay, what does the ten feet have to be that is different than having lawn there, for example?

TRUSTEE KRUPSKI: Anything but turf.

MR. PATANJO: It just can't be grass. They don't want fertilizer-dependent grass. You can take it out and put mulch there, you can take it out and put plantings there. You can take it out and put gravel there.

MR. SAPOLLNIK: Okay, and does this require waiting another month to table this or does this just require us to resubmit it with this new drawing and then this will be approved? Because this is the second time now we are going through this Trustee board.

TRUSTEE KRUPSKI: We will need new plans to vote on this particular application. And that was detailed prior in December's notes. So it's certainly not the first time we've mentioned it.

MR. SAPOLLNIK: Okay, and is that the only thing that is remaining for this application to be approved?

TRUSTEE KRUPSKI: We certainly can't make a determination ahead of the official vote, but that is the comments of the Trustees at this time.

MR. SAPOLLNIK: Okay, well, we go through a lot of processes that you guys put in place for us to submit to you so, while I appreciate

that answer, if we are going to go through another month of waiting it would be helpful to get whether there is anything else that is missing.

TRUSTEE KRUPSKI: That's a fair question, and at this time I don't have any further comment about or anything to add that I feel is missing to the application.

Does any of the rest of the Board have any thoughts?

(Negative response).

MR. SAPOLLNIK: Okay, well then we'll resubmit with that change, and I appreciate it. But you guys have to understand it takes a lot of time and effort for something that was mentioned to us as being a very straightforward process. But, thank you, very much for your time.

TRUSTEE KRUPSKI: Thank you. We are going to need to submit an as-built to be done as well, because a lot of work was done without a permit.

MR. PATANJO: Another 250 or another thousand, or five-hundred as-built fees?

TRUSTEE KRUPSKI: You would have to ask Elizabeth.

MS. CANTRELL: Yes, that's how much the fee would be

MR. PATANJO: But it's coastal erosion, so it's 500. So is it just the 250 would be the as-built fee?

MS. CANTRELL: Fees double. So \$500.

MR. PATANJO: An additional 500.

MS. CANTRELL: Yes.

MR. PATANJO: Okay.

TRUSTEE KRUPSKI: Hearing no further comments, I'll make motion to table for submission of new plans.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, Jeffrey Patanjo on behalf of **LEFKARA HOLDINGS, LLC, c/o NEOFITOS STEFANIDES** requests a Wetland Permit and a Coastal Erosion Permit to install 68 linear feet of rock revetment at toe of existing eroded bluff to replace existing temporary sand bags; install 60 cubic yards of clean sand fill and Cape American beach grass on entire bluff to protect property against additional storm erosion.

Located: 1070 The Strand, East Marion. SCTM# 1000-30-2-77

The LWRP found this to be inconsistent. The inconsistencies are sometime after 2019, the landowner cleared their property to the bluff, most likely accelerating erosion of the bluff. A long line of sandbags occurs along the shoreline, and the stretch of shoreline should have a coastal managing plan developed for a consistent method of erosion control. Due to the severe angle of bluff slope it is possible that Cape American beach grass will not hold the slope and prevent erosion.

In the event the action is approved, prohibit the use of naturally occurring rocks or boulders on the beach in the construction and the impact of accelerating erosion on the two unarmored planting properties should be addressed.

The Conservation Advisory Council resolved to support the application with a Coastal Erosion Hazard Area management plan.

The Trustees conducted a field inspection on January 11th, noting it was a straightforward toe armoring at the base of the bluff, questioned the terracing, whether or not it was on the plans; stipulate barge access only; and the removal of the sandbags. Also the ten-foot non-turf buffer on the top of the bluff. We also had discussed the slope of the proposed rock revetment, looking at the plans it looked a little steep, as well as some sort of return on the edge to mitigate any erosion to the adjacent properties.

Is there anyone here wishing to speak regarding this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. And this project is part of a continuous rock revetment for the three neighbors that I have under my applications, and there are others down the line. A couple of things that were mentioned were the sandbags, and those did get a permit. They have been permitted by the Trustees for emergency purposes.

All access will not be down the bluff, it will be by barge. And you should have revised plans that were dropped off this morning that address all of the concerns; one would be the terracing, one would be provide a ten-foot wide non-turf buffer. The other is modify the typical section to decrease the angle of the rock revetment, and also to add the terracing on there as well.

TRUSTEE GOLDSMITH: Okay. And I do have a new project description. Yes.

MR. PATANJO: Yes. The project description is revised as well.

TRUSTEE GOLDSMITH: What is the proposed slope of that rock revetment?

MR. PATANJO: Proposed slope? I've never been asked that question before. They actually come out there with rocks and stack them up, 45-degree angle, I would say.

TRUSTEE GOLDSMITH: So like a two to one?

MR. PATANJO: Something like that, yes.

TRUSTEE GOLDSMITH: Okay. And it looks like, on this, I'm assuming this is the property to the west.

MR. PATANJO: This is the westernmost property of my three.

TRUSTEE GOLDSMITH: Okay. You have kind of a right-angle return proposed?

MR. PATANJO: Yes, it's just a general plan showing we'll do some sort of return that is at an angle.

TRUSTEE GOLDSMITH: Any feelings on that one? Would there be a way to potentially soften that angle, so it's maybe a little less reflective energy on that property to the left?

MR. PATANJO: Sure. Absolutely. We can curve it, we can do a 45 degree angle. Absolutely.

TRUSTEE KRUPSKI: I guess the concern, and we run into this with like every application where the neighbors aren't doing anything at this time. Obviously three are here, so the middle property doesn't matter, which is the next one. But typically we look

for some, we have had in the past where they come in, they started a little sooner on their property line and kind of ease into the neighbor so in a heavy storm event it won't be a like straight line where the neighbor is just losing soil and material.

MR. PATANJO: We can absolutely modify the plans to suit that. My understanding of this, speaking with some other residents out there, they are all looking to go in to try to piece everybody together to have one continuous wall there.

TRUSTEE GOLDSMITH: Can you speak to the Cape American beach grass?

MR. PATANJO: We've used Cape American beach grass on many other projects in the past and it's always held up. If you have other suggestions or plants that the LWRP coordinator feels are more sufficient for this area for stabilization, we would be happy to investigate those.

TRUSTEE GOLDSMITH: And are you looking to do three, I guess three terraces?

MR. PATANJO: Yes. Three 2x12 untreated timber terraces, ten-foot on center. Just additional stabilization while the roots take hold.

TRUSTEE GILLOOLY: With the existing sandbags that are there do you intend to keep them there or remove them?

MR. PATANJO: No, on all three projects the sandbags will be removed. I think the first line of the project is written in there, for purposes -- yes.

TRUSTEE SEPENOSKI: Yes, I apologize, there is a new project description as of today, or yesterday.

MR. PATANJO: Yes, those are just temporary.

TRUSTEE GILLOOLY: Thank you.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

(No response).

Any questions or comments from the Board?

(Negative response).

TRUSTEE GOLDSMITH: The only thing we'll need is plans that show a different angle for a return.

MR. PATANJO: 45 degree angle?

TRUSTEE GOLDSMITH: Yes. Other than that, I think we have the buffer on this. We have the new project description that shows removal of sandbags, so if you can come up with new plans that show more of an angled return to protect the neighbor, I think that would be all we need on this one.

So I will make a motion to table this application for submission of new plans to show a more gradual angle of return to protect the neighbor.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 3, Jeffrey Patanjo on behalf of **KONSTANTINOS ZOITAS** requests a Wetland Permit and a Coastal Erosion Permit to install 67 linear feet of rock revetment at toe of existing

eroded bluff to replace existing temporary sand bags; install 15 cubic yards of clean sand fill and Cape American beach grass on entire bluff. Located: 980 The Strand, East Marion. SCTM# 1000-30-2-78

The Trustees most recently visited the property on the 11th of January, noted that it was a straightforward revetment. Removal of old sandbags, ten-foot non-turf buffer on top, barge access only. Terracing on bluff for revegetation.

The LWRP coordinator found this to be consistent, discussing the slope of the bluff and talking about will it hold vegetation. Specifically mentioned Cape American beach grass as well as the prior application. Identify the source of the boulders. The use of boulders in a private projects that occur on the beach should be prohibited.

Building Permit 9900 issued in 2021 specifies there should be no replanting of the bluff except under immediate area of the stairs.

The Conservation Advisory Council resolved to support the application with retractable stairs at the base.

Is there anyone here that wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo, on behalf of applicant. And I guess the same comments really apply from the previous public hearing. And the same revisions have been made regarding the boulders, the slope of those would be the same, two to one. Terracing is the same. The plantings are the same. And one comment, with regard to retractable stairs, I would ask to temporarily hold off on that one until the stairs get, if they do get washed out in a storm, make it a condition of the permit that if they do get washed out they'll be replaced with removable stairs. They are solid and they are in place there, and they are actually brand new and they are built very well.

TRUSTEE KRUPSKI: Okay. And just, I know we addressed this in the prior hearing, but Cape American beach grass, you are fairly confident that it will hold up and remain?

MR. PATANJO: I have actually just made another note to check out Cape American beach grass and its viability on the bluff. So, I have to do some research myself.

TRUSTEE KRUPSKI: Did you address the use of boulders? You will be bringing in boulders by barge, you are not going to be using any boulders that are --

MR. PATANJO: Yes, that's from upland sources. Clean fill from upland sources, and boulders, I drew somewhere, might have been in the project description. I don't have that in front of me.

TRUSTEE KRUPSKI: And just to confirm, this is the middle application, so both side applications will be tying in with this?

MR. PATANJO: Correct.

TRUSTEE KRUPSKI: Is there anyone else here that wishes to speak regarding this application?

(No response).

Any additional comments from members of the Board?

(Negative response).

Oh, and I'm in receipt of new plans stamped January 11th, 2022,

addressing the concerns of the Board, as well as a new project description, which I will read into the record:

The project includes the removal of existing temporary sandbags along the bottom of eroded bluff, and replacement with 67 linear feet rock revetment consisting of natural stone boulders from upland sources; stabilization fabric to be placed under proposed boulder revetment; install a 2x12 foot untreated terrace boards every ten foot along eroded portions of bluff; install 40 cubic yards of clean sand fill from upland source to renourish bluff landward of proposed revetment; revegetate all disturbed bluff areas with Cape American beach plugs twelve inches on center; provide a ten-foot wide non-turf buffer at top of bluff.

Hearing no further comments, I make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second. All in favor?  
(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the new plans stamped received January 18th, 2022, and the new project description stamped received in the office January 18th, 2022, noting that the beach grass will most likely provide the best chance to hold up in this location. The boulders are being brought in by stipulation barge only for access. And that they are from an outside source. And that the bluff is in need of replanting, thereby bringing this application into consistency with the LWRP.

TRUSTEE GOLDSMITH: Second. All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: Number 4, Jeffrey Patanjo on behalf of **DEMETRA MAKRIS** requests a Wetland Permit and a Coastal Erosion Permit to install 71 linear feet of rock revetment at toe of existing eroded bluff to replace existing temporary sand bags; install 15 cubic yards of clean sand fill and Cape American beach grass on entire bluff.

Located: 910 The Strand, East Marion. SCTM# 1000-30-2-81

The LWRP found this to be inconsistent. The inconsistencies are the slope of the bluff appears to be too severe to hold vegetation over time. Also to identify the source of the boulders. The use of boulders in private projects that occur on beach should be prohibited.

The Conservation Advisory Council resolved to support the application with retractable aluminum stairs at the base due to destruction of beach stairs in 2010, '14 and '19, and recommends a cohesive coastal erosion management plan for the neighboring properties.

The Trustees conducted field inspections on January 11th, 2022, noting that it was straightforward. Toe armoring at base of the bluff. Stipulate barge access only, and the removal of sandbags. Ten-foot non-turf buffer at the top. Talking about will there be terracing. Again, at our work session we talked

about an angled return to protect the neighboring property to the east.

We do have new plans stamped received January 18th, 2022, as well as new project description stamped received January 18th, 2022.

Is there anyone here wishing to speak regarding this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. Pretty much same comments as the previous two, with the addition that the plans will be modified to include a 45-degree angle return at the north property line where it abuts to the property that does not have an existing or proposed rock revetment.

TRUSTEE GOLDSMITH: This one has a five-foot terrace?

MR. PATANJO: Yes.

TRUSTEE GOLDSMITH: Anyone else here wishing to speak regarding this application?

MS. LAGUDIS: Hi, I'm Stella Lagudis and I am the property owner at 750 The Strand, which is immediately adjacent to the applicant. I am in support of this project. You have been there, you have seen the devastation. I have lived there since 1983. And the last five years it's been ridiculous. I will be standing before you at some point in time asking for your consideration as well.

What I do want to ensure, it seems as if this has been buttoned up, is that that return is taken care of. I am working with my neighbors to the east to try get a plan together so we don't have to have so many returns, but in the interim I want to protect what is going on with my property, which is devastating.

I do have a question about, it's great we are getting barged-in stone, my question is other types of equipment. Where will the equipment be stored? That is question one. And if I switch my hat from the nearby neighbor to a Board member at Pebble Beach Farms, they're private roads, and I don't know if there is anything, I mean, I can't ask for bonding or anything like that if there is damage to the road. So my question is, is there anything this Board can do in the event there is heavy equipment that is required and those roads are damaged.

TRUSTEE GOLDSMITH: Thank you.

TRUSTEE KRUPSKI: Well, I mean in this particular application, at least, I don't think there is an access point to bringing in equipment and bringing it down the bluff there. I mean the equipment would also have to be brought in by the barge.

MR. PATANJO: That's a question for the contractor doing the job, and I did get an e-mail from the Chairperson for the Board and I don't have his name handy.

MS. LAGUDIS: It's Bob Abbott. He's the President of the Board.

MR. PATANJO: Yes. Yes. He asked the same question and I referred him to the homeowners to point out which contractor is working for him to ensure that each homeowner can be liable in some way for any damages, or the contractor. It should be written in their contract with the contractor, no damage to the public property, no damage to additional private properties.

TRUSTEE KRUPSKI: Just to clarify, we don't allow bluff cuts in



this office. There is no bluff cut in the plan, and nothing is being applied for. So everything would have to be either run down the beach from an access point or brought in by barge, and with the elevations in Pebble Beach community, there is no access there. So I mean we can certainly stipulate conditions, but that is already a built-in condition of our permit.

MS. LAGUDIS: That would be terrific if you can just put built-in suspenders. There was a ramp that was also ruined in one of the last storms, that was used to put the sandbags down. That ramp is now in severe disrepair and it can't be used. So we are just looking to protect what the properties, both public and private, public to the association.

TRUSTEE GOLDSMITH: Thank you, ma'am.

MS. LAGUDIS: Thank you, very much.

TRUSTEE GOLDSMITH: Anyone else here wishing to speak regarding this application?

(Negative response).

Any questions or comment from the Board?

(Negative response).

Hearing none, I make a motion to table this application for submission of new plans for a more angled return to protect the neighboring property.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

#### **WETLAND PERMITS:**

TRUSTEE KRUPSKI: Under Wetland Permits, Number 1, Jeffrey Patanjo on behalf of **SADIK HALIT LEGACY TRUST** requests a Wetland Permit for the as-built bluff stairs consisting of the following: 4'x4' at-grade top landing to an 8,2'x9.5' upper platform to 18'x4' steps down to an 8'x3.8' middle platform to 16'x4' steps down to a 19.4'x10' lower platform to 14.5'x4' steps down to beach; all decking on structure is of untreated lumber. Located: 2200 Sound Drive, Greenport. SCTM# 1000-33-1-16

The Trustees most recently visited the application on the 11th of January and noted it was a very recent as-built, concerns about the size of lower deck and verify the upper deck.

The LWRP found this to be inconsistent. His notes were as follows: The as-built beach access stair structure was constructed without obtaining a Wetlands permit. The 19.4'x10', 194-square foot deck seaward of the top of bluff is not permissible pursuant to 275-11 construction and operation standards. Platforms associated with may not be larger than 100 square feet. The lot was created on the map of section 4 Eastern Shores, Greenport, filed March 7th, 1966, which established common beach access at the end of Sound Drive to the benefit the lot owners. The beach access is west of the subject parcel and therefore access to the beach is currently available.

The Conservation Advisory Council resolved to support the application. The Conservation Advisory Council supports the application with retractable aluminum stairs at the base, and to lower the size, to reduce the size of the lower platform to bring it into compliance with Chapter 275.

Is there anyone here that wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. I believe

the applicant would be okay and agreeable with reducing the size of the lower platform to make it no larger than 100 square feet.

TRUSTEE KRUPSKI: All right, then the other thing, it is a good practice, certainly depending on the location of the application, but either removable stairs or retractable stairs if we can just kind of condition that. I know in another places we have done like a foldable thing so if there is a massive storm coming through it can be quickly removed.

MR. PATANJO: So the existing steps can stay, we just have to reconfigure them to make them removable if needed.

TRUSTEE KRUPSKI: And show the reduction of that deck on the new set of plans.

MR. PATANJO: Yes.

TRUSTEE KRUPSKI: Anyone else here wish to speak regarding this application?

(No response).

Any additional comments from members of the Board?

(Negative response).

TRUSTEE KRUPSKI: Hearing none, I'll make a motion to table the application for the submission of new plans.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, Kristin Trovitch on behalf of **FRANK MARSILIO** requests a Wetland Permit to remove and replace in-place existing 128' of bulkhead with a 6' south return and a 20' north return.

Located: 1080 Deep Hole Drive, Mattituck. SCTM# 1000-115-12-15

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application. Installation of 15-foot non-turf buffer.

The Trustees most recently conducted a field inspection January 11th, 2022, noting a minimum of ten-foot buffer.

We do have a letter in the file from Mrs. Trovitch dated December 29th, talking about there is a ten-foot buffer approved from the New York state DEC plans.

Anyone here wishing to speak regarding this application?

MS. CANTRELL: We have Ms. Trovitch on the line.

MS. TROVITCH: Good evening, this is Kristin Trovitch. I am here on behalf of the owner Frank Marsilio. I explained to him, as per your last meeting, to extend the southern corner, the southern property buffer, to 20 feet instead of ten feet, and I wrote a letter because Mr. Marsilio is not in agreement with extending that buffer to 20. He has ten feet buffer around the whole bulkhead, the new project that we are going to be doing, and the north side of his property, he is creating a large buffer of native plantings to protect the tidal wetland boundary, and he feels that this is adequate enough so he's asking for you to reconsider the ten-foot buffer as is on the plans for the south side of the property in lieu of the 20-foot buffer.

TRUSTEE GOLDSMITH: Thank you. Anyone else here wishing to speak

regarding this application?

(Negative response).

Ms. Trovitch, you already have a DEC permit that stipulates a ten-foot buffer?

MS. TROVITCH: Yes, I do.

TRUSTEE GOLDSMITH: Any questions or comments from the Board?

(Negative response).

Hearing no further comments, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the plans stamped received October 5th, 2021, that show a ten-foot, non-turf buffer.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MS. TROVITCH: Thank you, Trustees, have a great night.

TRUSTEE KRUPSKI: Number 3, Cole Environmental Services on behalf of **JUSTIN & ALLISON SCHWARTZ** requests a Wetland Permit to construct a proposed 4'x165' fixed pier with open grate decking a minimum of 4' above tidal vegetative grade; a 3'x16' aluminum ramp; a 6'x20' floating dock situated in an "T" configuration; and to install a natural path leading from upland to fixed pier using permeable material.

Located: 2793 Cox Neck Road, Mattituck. SCTM# 1000-113-8-7.6

The Trustees most recently visited this site on the 11th of January, and noted that there were concerns with the right-of-way immediately adjacent to the property. It was a tight location for a dock very close to the neighbors.

The LWRP coordinator found this to be inconsistent due to the following: The applicant has not proved that the dock meets 275-11 construction operation standards. Specifically speaking, restore the quality and function of the Town of Southold's ecosystem. Representative vessel has not been shown. Adequate navigation around the dock has not been proved. The adverse effect of the dock on a previously recorded easement in 1982, a subdivision by Nicholas Fontana was approved that included this parcel and a right-of-way to the four lots in Mattituck Creek. The dock proposed would impact the rights of others, lots one and two, to access water body because of the location of the angle to the north.

The Conservation Advisory Council resolved to support the application with minimal cutting and trimming of vegetation. Retain as many trees as possible.

Is there anyone here who wishes to speak regarding this application?

MS. CANTRELL: We have Kate Rummel from Cole Environmental. Kate, if you want to un-mute yourself and speak to the Board, you are welcome to.

MS. RUMMEL: Hi, this is Kate from Cole Environmental, and I understand there are some concerns, there are existing docks on either side of the property that make it a rather tight fit for our client Justin Schwartz. So this configuration was approved by the DEC, so we do have a DEC permit, but because the client, looking out on to the water, the client directly to the right crosses over, if you were to extend the property line, the dock to the right, you know, completely crosses over our client's property line, which makes it extremely difficult for him to have a normal configuration.

MR. COLE: So the angle on the dock was created to --

TRUSTEE KRUPSKI: I'm sorry. I'm sorry, who is talking?

MR. COLE: This is Chris from Cole Environmental. Chris Cole.

TRUSTEE KRUPSKI: Thank you.

MR. COLE: And the angle was presented to basically be as close to the center of his property while giving space to both docks on either side.

TRUSTEE KRUPSKI: While we appreciate the effort that was made in what you are trying to do for your applicant, or for your client, I should say, it does appear that this would block access not only to the existing neighbor, which is certainly in front of the property, but it is a pre-existing dock, but it could also block access to the right-of-way, which services multiple lots in this location.

TRUSTEE GOLDSMITH: I think another concern we had was the proposed dock configuration will exceed the pier line as well.

MS. RUMMEL: So because his, I mean his neighbor fully crosses over into his, you know, property. So these existing docks, you know, make it so it's difficult for him to have a dock. I mean is there something that you are proposing that is, you know, so that he can have, you know, the dock on his property?

MR. COLE: Because another dock that infringes on his, you know, riparian rights, it's kind of cutting off his access, you know, for someone else that is infringing upon their location.

TRUSTEE GOLDSMITH: At the same time we can't have your client infringe on somebody else's. So we have kind of a domino effect going on here. I believe there is a way to configure a dock that would fit and stay within this person's property. It might not get you out to the depth that you need for a float, but it will stay on your property. So we are not going to design the project or the dock for you, but it could stay within the pier line and stay on the applicant's property without interfering on the neighbor.

MR. RUMMEL: I mean, I completely understand the concerns, I guess, it's, you know, from our client's point of view, you know, just because he didn't have his dock built first so the property next door was allowed to extend on to his property, I mean from his point of view I know it's going to seem quite unfair that because someone else is encroaching onto his property that now he can't have something that he normal would have been allowed.

TRUSTEE GOLDSMITH: We are not saying that he can't have a dock, we are just saying that you'll need to go back to the drawing

board because the proposed location does not work because it goes over the property line, as well as exceeds the pier line of the two neighboring docks. So if we use that criteria alone we would not be able to approve this dock as submitted because it is too far out.

TRUSTEE KRUPSKI: And I mean this Board certainly didn't draw these property lines in the subdivision like this and create this hardship. This is just something that exists that we just all have to deal with.

MS. RUMMEL: No, I mean, I totally understand, you are not cause of this problem. I just, you know, I know the client is not going to be thrilled with these comments. So I have to just do my due diligence and discuss it further.

MR. COLE: Just a question. If we shift the dock or potentially the float portion to the west, toward the property owner that has, just to the west there, and maybe we encroach on their property slightly, you know, we would not propose to encroach on property normally, but as we are already encroached upon, that is the right-of-way that would be cutting off.

TRUSTEE KRUPSKI: I think there's a couple of things going on here, but certainly the right-of-way, we would at least like to leave access to the public. Whether or not that means a dock or not, I won't speak to that, but it certainly, they deserve to have unimpeded access to that right-of-way. If they want to launch a kayak there and go out oystering, they shouldn't have to essentially hit your client's dock. I think there is probably a workaround here. It's just not going to be probably as long. I mean, it certainly can't exceed the pier line of the neighboring two docks. It's just not what we are looking at that is going to work.

MS. RUMMEL: Yes. Because just looking at the soundings, and I don't think, you know, he'll have enough water depth for a float if he cuts back. I mean it's kind of a tricky situation.

TRUSTEE KRUPSKI: It is.

MS. RUMMEL: Okay, we'll have to go back to the client and, yes, just go back to the drawing board a bit, I guess.

TRUSTEE KRUPSKI: Very good. So then I'll table this application so that you can confer with your client and see if you can design something that is a little different that conforms to our code?

MS. RUMMEL: Yes, I mean that's our only option at this moment, so, yes.

TRUSTEE KRUPSKI: Is there anyone else here that wishes to speak regarding this application or any additional comments from members of the Board?

(No response).

Hearing none, I make a motion to table this application.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 4, Patricia Moore, Esq. on behalf of **JOHN & MARGARET KREPP** requests a Wetland Permit to construct a

new 28'x27.5' second-story over existing 38.4'x27.3' dwelling; for the existing 12.3'x19.9' deck attached to the seaward side of dwelling; install a drywell in front yard for roof runoff; and for the existing 8.3'x10.2' shed.

Located: 1235 Island View Lane, Greenport. SCTM# 1000-57-2-42.8

The LWRP found this to be inconsistent and consistent. The inconsistency is the as-built structure was constructed without Board of Trustee review or permit. And the proposed existing dwelling and new second-story addition is recommended as consistent with the LWRP.

The Conservation Advisory Council supports the application with an IA septic system and the size of the deck is reduced to be in compliance with Chapter 275 of the Town Code.

The Trustees conducted a field inspection January 11th, 2022, noting at the time that it was basically straightforward. Noting that there is probably going to be one tree that needs to be removed. And subsequently at work session we discussed the possibility of an IA septic system.

Is there anyone here wishing to speak regarding this application?  
MS. MOORE: Yes, Patricia Moore on behalf of the Krepp family. As you said, this is very straightforward. This house was built with a conforming sanitary system when the house was built. It was built with a number of bedrooms, with the proper sanitary system. It's actually a second-floor to relocate bedroom. So the Building Department, we dealt with the Building Department in advance of this, and they said, no, a new sanitary system is absolutely not required. The system is conforming adequately. So the only reason we came to this Board is because we were adding a drywell. The house, a proposed second-story offer an existing structure is specifically exempt under the Wetlands ordinance. The shed was pre-existing as well, so because we were coming to the Board, we included the shed even though it is pre-existing. The house predates the Trustees, but was legally constructed there.

So everything there is legal, has existing permits, and we actually had to go to the Zoning Board of Appeals because they did a very good thing, which is they acquired the piece to the northwest, it was a part of the Ladsen (sic) property, and it's open space. The fact that the lot was added to this piece made the parcel larger, and therefore all the pre-existing setbacks that would be conforming ended up being increased because the lot got bigger. Not as developable land but as open space.

So we have our Zoning Board in place. We are here for the Trustees for the extra drywell. The deck is, again, deck and house all predates the Trustees, so.

TRUSTEE KRUPSKI: So in communications with the Health Department, their understanding is a project such as this would require an IA system. So, I mean, my thought, just rather than have a back and forth about this, because I thought we were never going to talk about septic again when we had the new county laws, so if we can just get something in writing from the

Health Department submitted --

MS. MOORE: No it will really delay, because the Health Department doesn't do written opinions. What you can do is say if a sanitary system is required -- well, if it's a sanitary is required, we need it to be an IA system. So we don't have, believe me, this has gone, it was pre-submitted to the Building Department. They know the rules. The Health Department, again, this is not adding any bedrooms. It is just relocating bedrooms, the second floor, within, inside the building envelope itself. So it's actually shrinking. And my memory is it's actually reducing the number of bedrooms, but I don't want to say that without being absolutely sure.

TRUSTEE PEEPLES: Just to interrupt and clarify, according to the plans the two bedrooms remain on the first floor and then there is an additional bedroom on the second floor, and a family room that could in theory be used a bedroom, but it's noted as a family room.

MS. MOORE: The fact that it's a family room means it would not be used as a bedroom.

TRUSTEE PEEPLES: But just to clarify, in your opening statement you mentioned the bedrooms were all moved upstairs and in, reality, according to the plans, the two bedrooms remain on the first floor, there is an additional bedroom and an additional family room --

MS. MOORE: Not an additional one. It's a relocation of the bedroom is upstairs. It's a three-bedroom house.

TRUSTEE PEEPLES: It exists as a two bedroom.

MS. MOORE: No, it's an existing three bedroom. There are no additional bedrooms. I can 100% guarantee that.

TRUSTEE PEEPLES: Just give me a moment.

MS. MOORE: Sure. No problem. I don't know if my clients are out there or not. Do you see anything?

TRUSTEE PEEPLES: So what I'm seeing, according to the plan here, the demolition plan only shows kind of a reworking of the front vestibule. The living room, kitchen, bedroom, two bedrooms in the demolition plan, and then the first-floor plan which I'm assuming is the proposed to be built, kind of adds a vestibule in the front of the house, retains the two bedrooms, the living room and the kitchen, and in the second floor shows a bedroom and a large family room, and a full bath.

MS. MOORE: Let me just double check, the first floor --

TRUSTEE PEEPLES: I'm looking at one of two and then one of three of the first-floor plans.

MS. MOORE: Yup. Okay. So I stand corrected. One of the bedrooms is being relocated upstairs.

TRUSTEE PEEPLES: No, I believe --

MS. GILLOOLY: There is an additional bedroom.

MS. MOORE: No, the architect has been less than accurate throughout, but it is, in fact, it is not adding any, I can guarantee it is not adding any bedrooms because --

TRUSTEE PEEPLES: May I confirm, I'm looking at the plans dated

October 28th, 2021?

MS. MOORE: Yes, so there is a plan February 25th, 2021.

TRUSTEE PEEPLES: That's the same one I'm looking at.

MS. MOORE: So that has, right now, two, it's showing, this is the demolition plan, but maybe there is a bedroom right now on the, like a half story. I mean, ask Mrs. Krepp. If it was getting an extra bedroom I would agree -- no, no. I'm sorry, I'm clarifying. I apologize. My facts are -- erase that. Erase that. Let me correct myself. The existing house was built with a sanitary system for a three to four bedroom house. That's why. Okay? I apologize. I had the facts memorized a little differently. So that's why we submitted to the Building Department, said here, this is our existing sanitary system that was designed at the time for this number of bedrooms.

The existing will meet the requirements of the continued three bedroom. So that's why we don't need a new sanitary system.

TRUSTEE GILLOOLY: Okay, so the Suffolk County Health Department has a certification of existing sub-surface sewage disposal and water supply facilities for a single-family home application on their site.

If you can bring us a certification from the Department of Health that says that the existing sanitary --

MS. MOORE: No, the certification comes from an engineer, not from the Health Department. So the form that you are talking about when you submit an application to the Health Department, they ask for a certification from the engineer, that system is conforming to the requirements. We actually have Health Department approval from when the house was built because it's still on the Town records. The Building Department records. So it's actually an as-built with Health Department approval. So if you would like, I can provide that to you, I can look in my file, I may even have it here, but if I don't have it, I'll deliver it to the Trustees.

TRUSTEE PEEPLES: Is that in our file?

TRUSTEE GILLOOLY: And it would show for four bedrooms?

TRUSTEE GOLDSMITH: I believe we do have that, as of September 19th, 1990.

MS. MOORE: Yes, that's the system that was built, that was designed for a three to four-bedroom house.

TRUSTEE GILLOOLY: Does it indicate that?

MS. MOORE: It depends on the year of the stamp. Some of the stamps list the three to four bedrooms, but those who are older like me, they know that the design standards was three to four bedrooms. And this was the same design standards.

Here we go. No, this stamp didn't say it at the time. Just to, so you know, we go over it with the Building Department beforehand because had they said yes we do need sanitary, we would have started the sanitary application eight months ago, because we went to the Zoning Board first, so that's why.

TRUSTEE GILLOOLY: Given the proximity of the house to the Wetland, this Board has had a practice of requiring IA systems



to be more stringent than even the Department of Health at times, so.

MS. MOORE: Well, I understand your point, okay, I respect your point I'm not, you know, but we follow, we have to follow the Health Department. And we follow the Building Department as well, and this, as I said, this application, the house itself would have been an exempt, it would never have come to this Board. So we are here adding a drywell, which is an improvement to the property. Everything else, you know, you've got Trustee approval for the dock a couple of years ago, so we have done everything right it's just we don't want to create delay and obstacles.

This family has been waiting nine months for this project because of, not your fault, but just bureaucracy and doing things right threw them into a huge delay. So. I would certainly object to putting that kind of requirement on somebody who doesn't require it, and the sanitary system is conforming.

TRUSTEE KRUPSKI: I guess for me, my question is, this Board has been in contact with the Health Department. The Health Department has told us that a project such as this would require an IA, so now I'm kind of in a tight spot here whereas how do I, you know, that's the Health Department who controls that, so where do I go from here? I need some sort of assurance. I mean, if that is not the case, I would need some sort of assurance to proceed with this.

MS. MOORE: So the Building Department, you guys handle Wetland permits. The Building Department handles that issue. If the Building Department says, oh, we need a permit, I'll be back to you with an amendment to this permit because I need a sanitary design, or an IA system. I don't know what was described to the Health Department. I don't, you know, their rules are pretty clear.

TRUSTEE KRUPSKI: I agree.

MS. MOORE: And because those rules really are, they look at the when the sanitary system was approved. So I think they have a guidance memo, I don't have it memorized, but one of the issues is, is it a system that was approved after like the 1980's, '85, '84. So the fact that this was approved in '90, I think you pointed out, it was constructed properly and with Health Department approval. So I don't know conversations or what description was given to the Health Department, but they have to follow the guidance memo, and I know the guidance memo confirmed what the Building Department was telling us as far as when a new system is required.

TRUSTEE GOLDSMITH: I believe Mrs. Krepp would like to speak, but we have to give her instruction on how to raise her hand.

MS. CANTRELL: Ms. Krepp, if you are listening, see if you can un-mute yourself now.

MS. KREPP: Hi, this is Margaret Krepp. My husband and I are actually in Baltimore, so we are both driving. And we just Zoomed in. And we are adding one bedroom for a total of three bedrooms, and what we were, what we were told, as Pat Moore has

indicated, by the Building Department, was that the Health Department, based on the sanitary system that was put in, in the 1990s, that the Building Department assured us that we did not need another sanitary system.

TRUSTEE GOLDSMITH: Thank you, ma'am.

MR. KREPP: Hi, this is John Krepp. Bear me with me, I'm going under a tunnel right now. I'm just a little frustrated because one part of the town is saying we don't need something, which is the Building Department, they looked at all the plans. And they indicated to us, to our builder, and Pat, that we do not need a new sanitary system. That the system meets the present-day requirements. So I'm a little frustrated. If that's the only issue that is holding us up. Because one department is telling us this is okay, and we have been dealing with this permit for over a year now, and we would like to move forward.

MS. KREPP: I just want to give a little background to this, as Pat did indicate, we have permits from when this house was built. We have every single permit that was required, with DEC, with the Town. We ended up buying a small little plot of a farm that when we went to pay taxes, somebody said why don't we just connect it to your house so you only pay one tax. That is what got us in trouble with this entire thing. Everything has been held up now for over a year. And --

MR. KREPP: It's cost us a lot of money, too.

MS. KREPP: Time and money. We are actually in Baltimore because we sold our house in New York, and I'm just having trouble understanding why we are going, this is going backwards to something we checked eight months ago with the Town of Southold,

TRUSTEE GOLDSMITH: Thank you. So I guess our question is we got some mixed signals here, because we've got something from the Health Department that says we need an IA.

MS. MOORE: No. A conversation. That's the problem.

TRUSTEE GOLDSMITH: A conversation that said we need an IA.

MS. MOORE: Do you remember who you talked to? Did you talk to them?

TRUSTEE KRUPSKI: No, I didn't talk to them.

MS. MOORE: Did someone from the office call?

TRUSTEE SEPENOSKI: Yes. I called. I called the Suffolk County Health Department and asked about the addition of the second floor on a pre-existing structure, and without hesitation the person I spoke with said, yes, you would need an IA system in that case.

Their guidance, and I'm looking at Suffolk Health Department general guidance memorandum number 39, guidelines for determining if a project is classified as a major reconstruction, they define a major reconstruction as 50% of the market value of the existing permanent structure, as determined by the state certified real estate appraiser.

So that is what they were going off of in the conversation. And the market value, just reading this in full so you have a sense of it: Market value pertains only to the existing permanent structure itself, and does not pertain to the land, landscaping, detached accessory structures on the parcel of

land. Items to be excluded in calculating the reconstruction costs or market value includes but are not limited to plans, electrification, survey costs, permit fees, outside costs, landscaping, sidewalks, parking lots, swimming pools, fences, detached structures, irrigation systems, exterior drainage structures and exterior utilities. Market value and reconstruction cost, cost of work, shall be calculated in accordance with sections 4.4 and 4.5, United States Federal Management Agency provocation.

So that is what the county has advised me.

MS. MOORE: Okay. Well, there is more to that memo, in fact. There is other provisions which talks about if the property has had Health Department approval after a certain date, they will recognize that that system, you have to determine if that system is adequate. Because the system was approved for a three to four-bedroom house in 1990, that doesn't, that provision is, in a sense, that is a general. The more specific will apply.

In addition, as a second point, that 50% rule is used by the Building Department and other departments, but the 50% rule declares a demolition versus renovation. So this project is actually not 50% in increase in value. Market value. Because what you do is you take your 1990 construction cost with the 1990 let's say it was \$125 a square foot, more or less, today's value gives you a certain percentage and then so this addition, while it's a second floor, it's really a relatively small square footage and a small second floor. The entire first floor, all the infrastructure, all the plumbing, everything is staying in place. So there is a lot of pre-existing.

So when we went to the Zoning Board, for example, they also look at the 50%. So that rule, a lot of the different agencies look at it, and we clearly do not approach that 50%. You know, so when you call up and say, hey, I'm adding a second floor, they are visualizing a large house with a large second floor with multiple bedrooms, several bathrooms. I mean, the bubble over their head is thinking a lot bigger than this project will represent.

So, and as I said, if you look at that guidance memo, I think there is other, I remember reading other provisions, because that's one of the things we looked at, the guidance memo as well, just to double check, we want to say, all right, if the Building Department is right, we don't want to guess wrong. So I remember reading it, and there was also provisions about systems that have received Health Department approval. So they are grandfathering existing systems, provided they were adequate or they would still remain adequate. They still remain adequate, now the IA system is a new development. But size wise, it's still a conforming system in size, so.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

(No response).

Any other questions or comments from the Board?

TRUSTEE KRUPSKI: I mean I certainly don't like that we are being putting in this spot, and I think that, I mean you certainly could have foreseen this coming and gotten out ahead of this and dealt with it.

MS. MOORE: We did. Believe me.

TRUSTEE KRUPSKI: Not with this Board. And this Board's job is to protect the wetland. So I mean when you are talking about, even if the home is a thousand square foot, you are talking about adding another thousand square foot on top, that is roughly \$320 a square foot right now. I mean it's certainly a waterfront renovation. If, my personal opinion, if the rules are the rules, and this somehow doesn't qualify and there is a way for us to stipulate if it does or doesn't, I'm okay with moving forward with it, but I'm not sure exactly sure how to go about doing that.

TRUSTEE GILLOOLY: I agree with what Nick said, that given that the sanitary system is landward of the house, that makes me quite more comfortable with it as well. And also another trigger for required IA systems was five bedrooms. This looks like it could be up to four. So.

TRUSTEE GOLDSMITH: Hearing no further comments, I make a motion to close this hearing.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application as submitted. And by granting a permit, it will bring it into consistency with the LWRP.

TRUSTEE KRUPSKI: Second. All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 5, Land Use Ecological Services, Inc. on behalf of **KOEHLER FAMILY LIMITED PARTNERSHIP** requests a Wetland Permit to reconstruct all three (3) of the existing groins and wing groins at the site utilizing vinyl sheathing; the groins are proposed to be reconstructed so the groins do not extend seaward of apparent low water and are no higher than 18" above sediment grade on the down drift side; the existing groin to the south is 79' long with two wing groins facing north (11.4' and 12' long) is to be reconstructed to be 69' long; the existing groin in the middle is 78' long with four wings groins, two facing north (8.2' and 6.7'), and two facing south (7.7' and 11.4'), as indicated is to be reconstructed to be 65' long; the existing groin to the north is 77' long with four wing groins, two facing north (9.4' and 7.4'), and two facing south (11' and 8.4'), as indicated is proposed to be reconstructed to 59' long; no fill is proposed; the top elevation of the proposed reconstructed groins is to be no higher than 18" above sediment grade on the down drift side of the groins.

Located: 575 Old Harbor Road, New Suffolk. SCTM# 1000-117-3-6

The Trustees most recently visited this property on the 11th of January and noted that the groin should be shortened by

at least 20 feet. And that we would most likely like to see a DEC permit prior to an approval as they take into large areas as a whole as opposed to a case-by-case basis like this Board.

The LWRP coordinator found this to be consistent.

And the Conservation Advisory Council resolved to support the application.

Is there anyone here that wishes to speak regarding this application?

MS. CANTRELL: We have Dan Hall from Land Use on Zoom.

MR. HALL: Good evening. My name is Dan Hall, I'm with Land Use Ecological Services. I am the agent for the owner, the Koehler's.

As the Board recommended, the existing groins are proposed to be shortened to meet with the policy of them not exceeding seaward of apparent low water, and they are to be no higher than 18 inches above the sediment grade on the downside drift. And this results in the north groin being shortened by ten feet to meet that requirement, and the -- I mean the south groin to be shortened by ten feet. The north groin is to be shortened by 18 feet, and the one in the middle will be shortened by approximately 13 feet so that it complies with that policy recommendation, you know, the code, I guess, at the mean low water. And I didn't know if the Board had any additional questions or comments about that.

TRUSTEE GOLDSMITH: Do you have DEC permits for this as of yet?

MR. HALL: DEC is still reviewing it because we just made the modification that I mentioned prior to the holidays. We do have the New York state Department of State and Army Corps of Engineers approvals for the project. And the DEC commented they would like to have had it, you know, the groin shortened to meet, you know, the mean low water, similar to what your Board has agreed upon.

TRUSTEE GOLDSMITH: Thank you.

TRUSTEE KRUPSKI: As I mentioned earlier, it's been the practice of this Board to table these applications for groins to receipt of DEC plans, just because of the ways they review them. They are taking in a lot more of the area as opposed to case-by-case. So if that would be all right with you and your applicant, or your client.

MR. HALL: Yes. I don't think that's an issue. I mean, we anticipate receiving a DEC permit. I don't know when exactly that will be. They have their reviews are not as fast as they had been in the past. They are very backlogged at the moment, for several reasons. But that is something that we have no problem adhering to. The DEC permit will happen anyway, so, yes.

TRUSTEE KRUPSKI: Thank you. Is there anyone else here wishing to speak regarding this application? Or any additional comments from the members of the Board?

TRUSTEE PEEPLES: I would like to stipulate that we provide a reference point for the 18-inch high new groin.

TRUSTEE KRUPSKI: I believe what Trustee Peeples is referencing is that when they are rebuilt, that we, on your plans you just

denote a reference point so that we know where the current elevation is and where the final ends up based off some existing structure, like the height of the bulkhead.

TRUSTEE PEEPLES: Yes, thank you, for clarifying.

MR. HALL: I talked to the engineer about that. You want that put on the plans or is that something that is done right after it's built?

TRUSTEE KRUPSKI: We would want it on the plans so that when we go to do a final on it, we have that set reference point to take a measurement so that it's built to plan.

MR. HALL: Okay, I want to be clear I understand this. You want a reference point on the bulkhead and somewhere on the property as to a fixed elevation or a reference point as to grade?

TRUSTEE GOLDSMITH: Fixed elevation. So the proposed groin will be "X" feet below the top of the existing bulkhead.

MR. HALL: Okay, I understand.

TRUSTEE PEEPLES: Thank you.

TRUSTEE KRUPSKI: Hearing no additional comments, I make a motion to table this application for receipt of DEC plan.

TRUSTEE GOLDSMITH: Second. All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: Number 6, Sea Tech, LLC on behalf of **BARBARA BODKIN** requests a Wetland Permit to reconstruct in place 125 linear feet of timber/concrete bulkhead with new Navy style vinyl bulkhead; construct two (2) 8' returns; remove and replace existing landward 4.5' wide wood boardwalk, 70sq.ft. over-water wood platform, and retaining walls as required; and to install 30 cubic yards of clean fill from an approved upland source. Located: 610 Bayview Drive, East Marion. SCTM# 1000-37-5-2

The LWRP found this to be inconsistent, with the notes the applicant indicates that all work will be done by hand to prevent damage to the intertidal marsh system. It is recommended that to further Policy 6 that the use of CCA treated material to minimize construction.

Conservation Advisory Council resolved to support this application.

The Trustees conducted a field inspection January 11th, with copious notes that read as follows: Clarify as required with respect to the concrete retaining walls; clarify dredge materials on plan, which is not consistent with the language in the project description. Will they use dredge material or clean fill from upland source. Existing Spartina grass to remain. Clarify whether or not low sill timber bulkhead to remain. Question the brick retaining wall, question location of steps, stipulate thru-flow decking.

Is there anyone here wishing to speak regarding this application?  
(No response).

All right, we do have a number of questions on this, obviously, as you can tell by our field notes.

MS. CANTRELL: There is a Tara Bodkin listening. Tara, if would you like

to speak, feel free to un-mute yourself and talk to the Board.

MS. BODKIN: Hi this is Tara Bodkin, Barbara's daughter-in-law. We had somebody doing the work, all the plans for us. I attended this meeting. I really don't know what to say or what you are asking. I'm trying to get hold of my husband.

TRUSTEE GOLDSMITH: Sure. If you could get a hold of your permit expediter to get in contact with this office, we do have a couple of questions pertaining to the plans as submitted. You know, some of the plans are a little, you know, vague. Like one thing, replace concrete retaining walls as required. So we need a little more specificity regarding that.

The one part of that wood platform that overhangs the intertidal marsh, we would like to see that as thru-flow decking as opposed to wood, or removal, or shortening, so that the vegetation has a chance to grow underneath it.

So it's just a couple things, from a technical perspective, that we have questions on, that we would like to speak to the expediter and/or potentially meet them out in the field, if that's an option, during our next field inspection, so that we can walk the property and go over it with them.

MS. BODKIN: Okay, so he should do all this before you have your next meeting, obviously. So what date, it would have to be before --

TRUSTEE GOLDSMITH: Our next field inspections are --

TRUSTEE PEEPLES: February 8th.

MS. BODKIN: Okay, so basically just have him call you and go over this?

TRUSTEE GOLDSMITH: Yes. They can contact the office. They can ask for a copy of the field inspection notes.

MS. BODKIN: Okay.

TRUSTEE KRUPSKI: I mean, to be honest with you, there are so many points to this application that should just be addressed probably well ahead of the next public hearing, that it would probably make most sense to meet someone in the field to go over this application at our next field inspection.

MS. BODKIN: Okay. All right. Sounds good.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

(Negative response).

Any other questions or comments from the Board?

TRUSTEE PEEPLES: Glenn, I just want to make sure the wood stairs, I know there are two sets of wood stairs on the plan; one is the stairway down from the house to the dock, and then there is, on the plan it indicates stairs down to the marsh that don't appear onsite. So I just wanted to, I don't think that's on the field notes. I just wanted to have that on record.

TRUSTEE GOLDSMITH: Yes. Okay, thank you. Yes, so as Trustee Peeples is referencing on the plans, stamps received October 22nd, 2021, dated September 8th, 2020, it shows the wood stairs to remain, but it also shows a set of wood stairs that goes down from that wood platform into the marsh, and those wood stairs

are not currently there.

So as Trustee Krupski indicated, I think it would be best to meet your expediter in the field on this so that we can all look at it and go over it and answer any questions at that time.

So hearing no further comment, I'll make a motion to table this application.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 7, David Bergen on behalf of **STEVEN & DANIELLE PORTO** requests a Wetland Permit to move existing permitted  $\pm 12.5' \times 9.5'$  deck located landward of top of bluff approximately 25 feet north, attached to a proposed 97sq.ft. landing/deck with bench leading to a set of bluff stairs consisting of 4'x23' stairs to second 4'x4' (16sq.ft.) Upper landing to 4'x6' stairs leading to a third 4'x5' (20sq.ft.) Upper landing with bench to 4'x18' stairs to a 10'x10' (100sq.ft.) middle landing with bench to 4'x6' stairs to a 4'x5' (20sq.ft.) lower landing with bench to 4'x20' stairs to a 4'x4' (16sq.ft.) landing at top of retaining wall with 4'x12' stairs to a 15'x30' (450sq.ft.) deck between retaining wall and bulkhead with a 4'x4' (16sq.ft.) cantilevered platform off bulkhead with 8' long retractable metal stairs to beach which is to include a mechanical hoist plus electric at midway deck and bulkhead deck plus water to bulkhead deck; all stairs and landings/decks to include handrails plus fall protection barrier at mid-height between stairs and railings.

Located: 4875 Nassau Point Road, Cutchogue. SCTM# 1000-111-9-10

The Trustees most recently visited the site on the 11th of January. They noted we need to clarify if attaching the deck at the top of the bluff, if that will be attached or not. And then if that's the case, what will be the overall size of it. The plans versus the description seems to show a little discrepancy if they will actually be attached or just next to, with a space in between. The deck at the water's edge associated with the stairs may be too large as per code.

The LWRP coordinator found this to be inconsistent. The 15'x30' deck below retaining wall and bulkhead is proposed to be located within a FEMA flood zone VE; structure in the area should be relocated to minimize the view or threat of repetitive loss and damage from storms. What is the purpose of this platform.

The Conservation Advisory Council resolved not to support the application. The Conservation Advisory Council did not support the application, the size of the upper and lower decks are not compliant with Chapter 275 of the Town Code.

Is there anyone here that wishes to speak regarding the application?

MS. CANTRELL: We have Dave Bergen on Zoom who wishes to speak.

MR. BERGEN: Thank you, very much. Good evening. Dave Bergen on



behalf of Steven and Danielle Porto. As this is a set of stairs to the beach, there currently are no stairs to the beach, and we are located these stairs at the lowest point of elevation at the top of the bluff, so that the stairs will go through the bluff, and go down the bluff, excuse me, with minimal length required as well as minimal disturbance to the existing vegetation.

With regard to the two questions, first, or issues, I should say, the first is there is an approved deck already, excuse me, platform deck already on the lawn that we wanted to locate over so that it was immediately adjacent to the start of the stairs. And the problem as has been pointed out is if it is attached to, physically attached to that platform, it now exceeds the 100-square feet as per code. So that's why the plans show a small distance between the two, so there would not be a problem with the code requirements. So that is why there is that small distance there.

With regard to, and if you would like we can address that first before we move to the bottom deck, or do you want me to go straight to the bottom deck?

TRUSTEE KRUPSKI: Sure, we can go over that one first.

MR. BERGEN: Okay. So stick with the top or do you want me to go on to the bottom deck?

TRUSTEE KRUPSKI: No, we can stick with the top first.

MR. BERGEN: Okay, great. So that's the challenge. You know, if it's something that just is not going to work, we'll leave the deck right where it is. But we just thought rather than have a deck and a platform, why not just have the two of them work together. And again, that existing deck is totally landward of the top of the bluff, and it is permitted.

TRUSTEE KRUPSKI: So, I'm a little confused. Well, there are two things. I guess in your description you are talking about attaching it, so basically you are asking can it be attached or not. Or is the attached saying that you are going to attach it in the description or is that a typo?

MR. BERGEN: Yes, that was a typo. It was not supposed to say "attached." Because obviously if it's attached, there is a problem there. But again, you know, we are willing to work with you either way on this. If you would like us just to leave the deck right where it is, or even to reduce structure for the entire project to get rid of that landward deck that is already permitted and existing there, we are very willing to work with the Trustees on this.

TRUSTEE KRUPSKI: And then sticking with the upper section for now, in the plans, I'm just not clear, so you are putting one deck basically adjacent to the steps, separate of this deck, right?

MR. BERGEN: Yes, the whole structure of the stairs, it starts with -- I'm sorry?

TRUSTEE KRUPSKI: Well, just to clarify, if you are looking at the plans, not talking about the existing deck or moving it, at the top of the stairs, that is a new deck that you are applying

for that is attached to the stairs?

MR. BERGEN: Yes, that's a platform. And that's why you notice the size of that platform with the stairs, the first set of the stairs it actually attaches to is less than the 100-square feet.

TRUSTEE KRUPSKI: Right. Okay.

MR. BERGEN: But again, as I alluded to, if you would like, if it makes it so much easier, we'll just leave the deck or get rid of the deck, the permitted deck that is already there landward of the top of the bluff.

TRUSTEE KRUPSKI: Okay. Does anyone have any thoughts? This is the new deck. They want to move it back over and not attach it.

TRUSTEE GOLDSMITH: If it's not attached, it's not necessarily a problem.

TRUSTEE KRUPSKI: Yes, I would tend to agree with you. So that would be legal. That's separate. We remove "attached" from the description.

What about the upper section, does anyone else have any comments or should we talk about the lower?

(Negative response).

All right, do you want to run us through the lower platform, Dave?

MR. BERGEN: Sure. The lower platforms. I understand where you are coming from. The lower platforms, if you Google Earth, which I did, the east side of Nassau Point, there are about 29 platforms, approximately, down between the bulkhead and retaining wall or landward of bulkheads. Over half of them are over 100 square feet, and what we have here is a 200-foot piece of property that has a splash pad of rocks, which from an environmental perspective is something we like to see done rather than just have sand behind the bulkhead as a splash pad. And so this is a splash pad of rocks. As such, it's not useable for walking over, for sitting on or, you know, walking across or storing anything on it. So what we wanted to do was a deck of non-treated lumber over that area of splash pad of rocks.

When you think about it, it doesn't impact the ability, for environmental perspective, it doesn't impact that area at all. Whether it's a deck or it's rocks.

TRUSTEE KRUPSKI: I think one of the main concerns with that, and certainly every application is different, every property is different, and every area is different. And I didn't know, looking at that side of Nassau Point Road, that there is somewhat of a precedent for a little bit larger decks at the bottom. And in the past, I think the main concern was that in a hurricane that whole deck could kind of lift up and run away and cause a hazard in the bay. Or tear apart some neighboring properties down the road. But, actually, one of the things that we've done in the past is use stainless steel hardware and condition that it's at grade and anchored down. Basically it would be functioning as another splash pad. I think the only real thing for me, and this is just one Trustee's opinion, is

that we need to kind of work within the constraints of the code, so is there anything that you can do to sort of disassociate it with the steps leading down to that site? I mean, that's just my opinion. I don't know what everybody else feels about it. But that would be my hang-up within the code. So if there was a workaround for that, I would be happy to hear it.

MR. BERGEN: First, Nick, absolutely with the construction, we can anchor that deck down, as you had alluded to. And we'll have that done. Second, to separate these stairs that go from the retaining wall down to this deck is, we could do that by a couple of feet so that it's not attached to those stairs as you are referring to, but that's going to be clumsy and it's going to be dangerous to step on those rocks. The chances of twisting an ankle or worse is pretty high. So could that be done, sure. Is it the best thing to do, probably not. So if a middle ground here is to reduce the size of that deck to a suggested size that you would like to provide us, we would be willing to consider that.

TRUSTEE KRUPSKI: Well, I guess the option would be to go down to a code-approved size of 100 square. I mean, there is certainly, you know, I don't want to design anyone's project for them but there is certainly ways to go between steps and a deck without having to step on rocks, and bringing in other elements. There has to be some sort of separation. So --

MR. BERGEN: Again -- I apologize.

TRUSTEE KRUPSKI: No, go ahead.

MR. BERGEN: We can certainly do that, Nick. We can. So I can go back to the client and suggest that we separate that deck from the stairs so that technically we are not attached to the stairs coming from the retaining wall down, and that way we don't have to contend with the 100-square foot limitation.

TRUSTEE KRUPSKI: Yeah, my recommendation would be is that we table and that you could talk to your client and then either come back to us with something that would either be code conforming with regard to the size, or maybe you kind of think about a way to safely have an unassociated deck where someone could comfortably traverse from the steps across something to another, the deck.

MR. BERGEN: Sure, no problem with that at all.

TRUSTEE KRUPSKI: All right. Is there anyone else here that wishes to speak regarding this application?

(Negative response).

Or any additional comments from the Board at this time?

(Negative response).

Hearing none, I make a motion to table this application.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 8, Samuel Fitzgerald on behalf of **WALTER HELLIER** requests a Wetland Permit to remove an existing

open porch on water side of dwelling and in its place construct a new one-story addition of 337sq.ft. onto existing two-story dwelling for a new footprint of 46'10"x29'3" (981sq.ft.) with a total area of all habitable floors to be 2,105sq.ft.; a new screened porch addition of 22'6"x22'0" (302sq.ft.) with new stairs down to grade; and existing 8'10"x12'1" (70sq.ft.) of covered porches on landward side of additions are in poor shape and will be rebuilt.

Located: 227 Hedge Street, Fishers Island. SCTM# 1000-10-7-20

The LWRP found this to be inconsistent. The inconsistency is although the new screen porch addition is minor in nature, they are proposed to be located within the FEMA VE velocity hazard flood zone and not supported by Policy Four, which seeks to minimize or relocate structures within these structural hazard zones.

The Conservation Advisory Council did not make an inspection, however the plans reviewed and it was noted that the proposed addition is not in compliance with Chapter 275 of the Town Code.

The Trustees conducted an inhouse review on January 11th, as well as at the work session, noting that the project was fairly straightforward, and that the proposed addition does not exceed the pier line. We do have a letter in the file here, dated January 18th, 2022, from an Angelo Renna and a Susan Renna, objecting to the project.

Is there anyone here who wishes to speak regarding this application?

MS. CANTRELL: We have Sam Fitzgerald on Zoom.

MR. FITZGERALD: Hi, my name is Sam Fitzgerald, architect of the project, here on behalf of the owner Walter Hellier.

I think this is a pretty low-impact expansion on the house. We don't need any special zoning approvals for the projects. We are existing setback from high water is 75 feet, we are proposing 69 feet. There is a well-maintained, very stable rock slope along the water's edge. Directly behind there we are proposing a ten-foot non-turf buffer. The grade slopes up pretty gently from the water to the house. Hits the house around elevation 14, which I think is the flood plain elevation, but the first floor elevation of the new addition is at 22.

I would be happy to answer any questions you guys have.

TRUSTEE GOLDSMITH: Just one question. I think looking at the plans, correct me if I'm wrong, it's going 6'8 1/4" further seaward, and that's it than the existing?

MR. FITZGERALD: That's right. Yup.

TRUSTEE GOLDSMITH: Okay. Is there anyone else here wishing to speak regarding this application?

MS. CANTRELL: We have Angelo Arena who would like to speak. Mr. Arena, if you would like to un-mute yourself and speak to the Board, feel free.

MR. RENNA: Okay. Mr. Fitzgerald and I spoke briefly this morning, so I don't know if he wants to add anything, but I do have a little

bit of elaboration on the letter that I provided. Let me just comment for a few minutes.

I wrote the letter last night simply based on the attachment to the letter I received in the mail. And that's what I'm referring to in the letter. I just say all I had was that one diagram, which is the schematic, without any dimensions, without any three-dimensional opportunity.

However this morning, with Elizabeth's help, and thank you, Elizabeth, I was able to dive into some of the details of the 41 pages.

On page -- let me talk about the red zone, which is the major concern. I'm concerned about both sides of the house, but particularly the pink schematic on page 13. By the way, we are behind the Hellier property. We are facing directly behind to the harbor, to the harbor on the left side of this house and the harbor down to the right side of this house, all the way down to Prates Cove, down to the right. But anyway, so back to the diagram. On page 13, I think you just mentioned, the extension will come out, the width will come out by almost seven feet. I think I heard you say 6'8 1/4".

TRUSTEE GOLDSMITH: Yes, sir.

MR. RENNA: In our mind that is substantial negative impact on our view to the water. In addition, on page 14, I see the height of that pink section is 15 feet. So we are talking about a blockage, an infringement, if you will, of roughly seven feet by 15. Our view comes from our living space as I face the water, on the right side of our house where that pink stuff is and also from a screened-in porch, which is sort of in the middle of our property looking down the harbor. So that's the right side. We feel, my wife, myself, my kids, my grandkids, we all got on top of this last night and this morning. Because we are very concerned about the view. And that, simply put, that's what we are concerned about. The view.

On the other side, it's not as dramatic. But when the porch extends out toward the water -- Sam, I didn't mention this to you this morning when we spoke, but on the other side of our home, we have a patio, and when we are sitting out on that patio and look at the north elevation, toward the north elevation, with that porch being extended to the water, there is a slight impact, I say slight, nothing is slight because we already lost some stuff as I may be unwisely put with the tree, et cetera. Which has nothing do with this discussion.

So there a slight impact on that side, which no impact is good for us. So I hope that helps. I mean, we are talking about the view. Sam, I don't know if you want to add anything to it. I was unable to speak with Mr. Hellier. I don't have any contact information. But Sam and I had about a half hour discussion this morning and I know Sam was going to try to talk to Mr. Hellier to see if perhaps any rethinking might be done. And I don't know if that conversation happened. Sam, I don't know if you want to speak to that.

So that's pretty much it. I could go on but I think if you

are understanding what I'm saying, I'll stop and address any questions you might have.

TRUSTEE GOLDSMITH: Yes, sir. Thank you, very much.

Mr. Fitzgerald, was there any talk about redoing these plans at all or is what we have here stamped received November 29th, 2021, the one we are working with?

MR. FITZGERALD: I did, after Angelo and I had a phone call this morning, I did talk to Mr. Hellier and he was in favor of pressing on with the application as is. This is just his thoughts. And so Angelo, I'm sorry I'm relaying this in the meeting and not in an earlier phone call with you. But his thoughts were that since we are able to build the additions as drawn per the zoning ordinance, these would be allowed under no special approvals by the Zoning desk, that he felt it was in his right to follow through, and his thinking that the 6'8" expansion to the south was, he felt that it was not a significant sort of encroachment.

It was, he called it a minor sort of expansion of the house on the south side. So that's his view. And probably not what you want hear, I know, but that was his feeling about it.

TRUSTEE GOLDSMITH: Thank you. Anyone else here wishing to speak regarding this application?

MR. RENNA: Am I able to make another comment or not?

TRUSTEE GOLDSMITH: Yes, sir.

MR. RENNA: I understand that Mr. Hellier has the right to do this. I understand that. But I don't think it's a minor adjustment. I mean, when you take seven feet, and it's the height of, for you basketball fans, or some people that may be as old as I, is Wilt Chamberlain size extension here. That is a significant percentage width addition to that house.

I don't know, Sam, what is the width of the current footprint? Maybe 30 feet? 25?

TRUSTEE GOLDSMITH: Sir, I don't know on laserfiche what it actually is, but on the plans here, on page ten, it has dimensions of the current house as well as proposed additions. So that's in the file. You can access it through the Town's laserfiche.

MR. RENNA: What is the current width of the current house? What is the current width?

MR. FITZGERALD: If I could, the current width of the house is about 22 feet.

MR. ARENA: So seven divided by 22, that's 30%, almost 35% addition. That is not insignificant in terms of a view down the line.

Now, I understand he has a right, and I know this is a one of those things. I don't know who said it but one of the people, one of the Trustees made a comment that your job is to protect the wetlands. You know, I don't know much about what you guys do, although I've learned a great appreciation for what you do this evening. I can't believe what you have to deal with. But I think, doesn't your job go beyond protecting the wetlands? I'm asking a question for my education. I'm asking a question,

is it part of your job to --

TRUSTEE KRUPSKI: If I could interject. A part, a major part, if not one of the very, very critical parts of this Board is to not block public access. So that really speaks to if there is a piece of public property or the waterfront, which is owned by essentially the Trustees of Southold, to not block public use of that. It's not necessarily speaking to viewsheds across private property.

TRUSTEE GOLDSMITH: One of the things that we take into consideration is the pier line of the neighboring houses. So within proposed project, with its increase of less than seven feet toward the water, is still within the pier line of the neighboring properties. So therefore it should not really impede the viewshed of the neighboring properties because that proposed house is not encroaching on the wetlands any more so than the neighboring properties.

So we take that into consideration more so than the lateral additions. Ours is more concerned with the encroachment toward the wetlands. So with this being only less than seven feet encroachment toward the wetlands, and still being behind that pier line of the neighboring properties, it is usually acceptable to this Board.

MR. RENNA: Okay, I guess I'll just say that unfortunately what we have here is a situation where our neighbor is not -- keep in mind, keep in mind, that until last night at five o'clock, I had no knowledge that this was going on. And I know that Sam agrees, that this does impinge our view to the water. Forever. And as forever. So this is an unfortunate situation.

So what I'm hearing is that the Trustees will not make us unhappy, but our neighbor will. Both of those things are unfortunate. But when a neighbor makes somebody unhappy, that's even more unfortunate. This should have been discussed ahead of time. And I'll leave it at that. You guys have been there a long time, so I have nothing more to say.

TRUSTEE GOLDSMITH: Thank you, sir. Anyone else here wishing to speak regarding this application?

(No response).

Any other questions or comments from the Board?

(Negative response).

Hearing no further comments, I make a motion to close this hearing.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

I make a motion to approve this application with the plans submitted stamped received November 29th, 2021, that show a ten-foot, non-turf buffer, and noting that it's not going further seaward than the neighboring houses, which will bring it into consistency with the LWRP. And the stipulation of gutters to leaders to drywells for the house as well.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE KRUPSKI: Number 9, AMP Architecture on behalf of **LISA & DAVID CIFARELLI** requests a Wetland Permit to demolish existing two-story dwelling with full basement with the existing full basement and first floor structural members to remain (1,850sq.ft.); existing 1,850sq.ft. first floor to be removed and rebuilt; construct proposed additions to the first floor consisting of a 2'x6.1' (12sq.ft.) addition, a 14.1'x13.0' (96sq.ft.) addition, a 7.5'x12' (90sq.ft.) addition, a 4'x16.3' (66sq.ft.) addition, a 17'x34' (545sq.ft.) addition and a 3.4'x11.5' (39sq.ft.) addition for a total of 848sq.ft. of additions to first floor; remove existing 1,140sq.ft. second floor and roof; construct a proposed 27.7'x59.2' (1,575sq.ft.) second floor with an 18.5'x31.1' (387sq.ft.) second story deck; proposed exterior staircase to second story deck attached to side of dwelling; proposed concrete stairwell to basement from exterior; the two (2) existing sheds are to be removed and existing masonry patio at grade is to be removed; abandon or remove existing traditional sanitary system and install a new I/A OWTS system; install gutters to leaders to drywells to dwelling to contain roof runoff; install and perpetually maintain a 10' wide sand non-turf buffer along the landward side of existing bulkhead; for the as-built 2.8'x9.8' (27sq.ft.) fire pit; as-built 5.9'x27.1' (155sq.ft.) wood deck at grade; as-built 3.1'x6.1' (19sq.ft.) hot tub; as built 1.7'x8.9' (15sq.ft.) each pervious stone walls; and as-built flagpole and stone wall. Located: 2672 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-128-6-13.3

The Trustees most recently visited the property on the 11th of January, and noted that the seaward bump-out would be in violation of the pier line, in our code.

The LWRP coordinator found this to be inconsistent. His notes on the action are: The proposed addition on the west side of the residence would be located within a FEMA 02% annual chance flood zone. The proposed eastern addition is located further seaward than the existing structure. Less than the required 100-foot Chapter 275 Wetland shoreline setback. The additional structure in these areas could result in damage and loss over time from storm events including hurricanes.

The Conservation Advisory Council resolved to support this application, however their stipulations in supporting it were non-turf buffer with native vegetation, drainage for the hot tub and that all construction to be landward of the existing structures.

Is there anyone here that wishes to speak regarding this application?

MS. CANTRELL: We have Anthony Portillo from AMP Architecture.

MR. PORTILLO: Good evening Board. Thanks, for having me. So I was just listening to what you were saying. In regard to the seaward addition, we did receive a zoning approval for the



proposed 5.4' setback from the property line. Also, there is an existing ten-foot non-turf buffer, sand buffer, that will be maintained. We are proposing the drywells at the rear of the home to capture any rainwater or rainwater collection.

The other request that I think was in regard -- and I just want to mention, too, that we proposed a new IA system that has been submitted with the Health Department. We've received some objections that we have gone back and discussed that with them.

I don't have the letter with the Board, with this Board, but we did receive a letter from the neighbors to the eastern side of the property, with no objection. I can provide that to the Board.

The two properties that are behind their property, that lead up to Peconic Bay Boulevard, are owned by the owners of this lot as well. I just wanted to mention that, the Cifarelli's, but I don't know if there is a further discussion. I think it sounds like something that needs to be discussed is the seaward addition on the eastern side of the property.

TRUSTEE KRUPSKI: Yeah, I think for the most part, the Trustees were in favor of the project. It's just that that seaward addition, I mean not only is the LWRP coordinator against it, and the Conservation Advisory Council, but the Trustees, who really stick to a regular pier line between the two neighboring properties, I mean, this house is already ahead of that pier line, but it is existing and it's going to be, you know, essentially renovated, and, you know, first floor and the existing basement to remain. That's why this structure would even be considered to allow this far seaward. But certainly we could not approve a structure bumping out further into that pier line when it's already so egregiously across.

MR. PORTILLO: So in regard to the extension toward the seaward side, it was brought further back, I mean if you look at the plans on an angle, following the property line, it is not necessarily going over. It's not going further into the neighboring yard. I mean, honestly, the 5.1 proposed from the side yard is closer to, which is back from the existing home, so we, because we ended up actually cutting that corner out during our zoning hearing and, you know, so we did reduce that proposed corner, or that proposed addition, so that the seaward corner would be sort of tucked inside of the structure so it was not obstructing it further into the side yard.

TRUSTEE GOLDSMITH: I don't believe that the side yard is necessarily our concern. You said you already have a ZBA variance. I believe that's in the letter, if you have to move that further landward, so I don't foresee that being an issue.

Our issue is, as Trustee Krupski stated, this house in its current configuration is already more seaward than the neighboring houses. So to put an additional seaward bump-out on something that already farther ahead than the neighbors would not be good practice for us.

It appears that the bump-out is fairly small in nature, so

I think you could reconfigure it without too much trouble, and I don't foresee an issue if you have to move that with getting a de minimis letter from the ZBA for those changes.

MR. PORTILLO: I mean, if I provide an analysis of the neighboring structures or neighboring homes, I mean I'm going off the top of my head here, but I believe some of those homes are a lot closer than, and again, I would have to look, you know, take a look if it's closer, but if I was to provide a study to the Board, I mean based on my own knowledge of being in this area, I'm pretty sure you'll see there are other homes that are seaward of this home. Again, I don't have that information in front of me.

TRUSTEE GOLDSMITH: Our concern is the two immediate adjacent properties. So if you drew a line between them, the current house is further seaward than those. Living space. So --

MR. PORTILLO: I believe the neighbor to the east, though -- I'm sorry, I thought you were finished.

TRUSTEE GOLDSMITH: So, you know, I'm looking at it on my phone from Google Earth as we speak. So the neighbor to the east looks further setback, and if you draw a line from the living space from the neighbor to the east, to the neighbor to the west, it looks like it goes right through the middle of the current house. So that's why we would not be in favor of any further seaward extension of something that is already in front of the pier line.

MR. PORTILLO: Okay. I would like to know if we can table this so I can take a better look at that scenario, and then I would like to provide back some information, and then I guess if we have to reconsider, I mean, I'll have to discuss this with my clients, but again, I'm going just off of, you know, visually, from being on the site, I thought the neighbor of the lot further, you know, a lot closer to the bay line. But I don't have that in front of me. I didn't provide that on paper. A map for that. And I understand you are looking at a Google Earth, but I just have not had a chance to review that.

TRUSTEE KRUPSKI: All right, is there anyone else that wishes to speak regarding this application?

(Negative response).

Any additional comments from members of the Board?

(No response).

Just to clarify one thing before we do table. Our pier line is the direct neighbor. So although there may be properties that are closer in this area, what we look at on a case-by-case basis is only the two immediately adjacent properties.

Hearing no additional comments -- do you have more?

MR. PORTILLO: No.

TRUSTEE KRUPSKI: I'll table the application at the applicant's request.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

MR. PORTILLO: Thank you, sir

TRUSTEE GOLDSMITH: Thank you.

TRUSTEE GOLDSMITH: Number 10, Jennifer Wicks on behalf of **D. CANNIZZARO QRPT & B. MILTAKIS QRPT, c/o JOHN MILTAKIS, TRUSTEE** requests a Wetland Permit for the as-built un-treated Trex decking along bulkhead, walkways to the house of various dimensions consisting of 5'2"x36'3", 12'x5', 15'2"x3'7", 5'5"x12', and 45'4"x16'; as-built 16'x44' patio; as-built 3'x16' planter/bench; as-built 5'x10' stone steps; to maintain the walkway in 10' buffer with ½" spacing between boards to allow adequate drainage; for the as-built 395.27sq.ft. deck; for a proposed first floor rear addition of 5.75sq.ft.; a proposed second floor garage addition of 779.81sq.ft.; a proposed garage expansion of 113.5sq.ft.; a proposed 120sq.ft. front covered stoop; and a proposed 120sq.ft. first floor front entry addition. Located: 1460 Strohson Road, Cutchogue. SCTM# 1000-103-10-29.1

The LWRP found this to be inconsistent and consistent. The inconsistency is the as-built structures were constructed without Board of Trustee review or permit. Note that the beneficial vegetation landward of the bulkhead has been removed. The proposed first floor rear addition is consistent.

The Conservation Advisory Council does not support the application for the as-built structures and recommends a drainage plan.

The Trustees conducted a field inspection on January 11th, 2022, noting the same issues with the decking and drainage as previously creating an environmental hardship for the as-built structures.

Is there anyone here wishes to speak regarding this application?

MS. WICKS: Jennifer Wicks, for the applicant. Drainage was put in. Drywells were installed. I e-mailed the survey with the drywells on it. I have a copies. And we just requested with the decking that is in the ten-foot buffer, if we could maybe face it differently to allow for drainage. If that's possibly an option.

TRUSTEE GOLDSMITH: So, correct me if I'm wrong, but this one was previously denied in September, and as far as we could see, the only difference between that previous application which was denied, and this one which was submitted, is half-inch spacing between the boards.

MS. WICKS: And the drainage was put in.

TRUSTEE GOLDSMITH: Which would account for the house. Not for the decking.

MS. WICKS: Sorry?

TRUSTEE GOLDSMITH: Not for the decking. The plans stamped received January 19th, 2022, shows the drywells, but they are all associated with the house.

One of our concerns was the decking from the patio to the decking to the Trex to the dock to the bulkhead, the slope of that is, you know, just going to create a river down to over the bulkhead.

MR. CANNIZZARO: May I say something. I'm David Cannizzaro. There is stone underneath the decking. And when we installed it, you know, I went to three architects and tens of thousands of dollars when I started this project in 2016. And I was told by contractors that, I don't want to point anybody out, but I was told that I could do what I wanted to do. Once they laid down the ten-foot buffer, I assumed, based upon the information I received from the architect and the contractors that were working on the property, that I could do those changes, do those modifications without any issue. And I can 100% state for the record that I would have gotten permits and submitted the appropriate drawings if I would have known. I know ignorance of the law no and excuse. I realize that, you know.

But with regard to the walkways, there is stone underneath those walkways, and I would be willing to take the decking off and display how the natural stone it's not recycles concrete. It's natural stone. How that was put in so it would allow for drainage of the storm water, and it would accommodate, once it trickles through the decking, and if you need the spacing opened up a little more on the decking, I could open it up. I could increase it.

But I do want to state also, if you could see on the survey, that there is some decking adjacent to the entrance onto the wooden pier. And we utilize that that because -- I'm actually disabled. And we put kayaks on that, and just the ability to walk on a flat, firm surface, is much more easier for me to walk on that rather than walk on any kind of sand or gravel or stone. That's why we did it that way.

TRUSTEE GOLDSMITH: Appreciate that. Memory serves me, and the LWRP alluded to it, back when we first approved this, there was vegetation behind that bulkhead that was supposed to remain as part of your vegetated buffer. And that was all removed and replaced with this decking.

MR. CANNIZZARO: No, I would like to state that there was a three-foot buffer that we gave back. We returned it seaward and we built the bulkheading three feet inward of the property. And whatever property, it established a new bulkhead line, actually. So it came in three feet.

TRUSTEE KRUPSKI: Are you referencing the Rosa rugosa that was growing there? I think he's referencing the Spartina.

TRUSTEE GOLDSMITH: No, the Rosa rugosa that was landward of the old bulkhead.

MR. CANNIZZARO: Correct, it was not salvageable.

TRUSTEE KRUPSKI: I mean, I just have a couple of thoughts on this. And I mean certainly things do happen accidentally, although it was a little frustrating to watch it being built after we granted a permit for the new bulkhead having a legal deck.

MR. CANNIZZARO: May I just say one thing for the record on that. My son, in 2017, I believe it was, he was paying his way through college. I'm not tugging on your heartstrings, but the reality

is this. He graduated recently from SUNY Farmingdale on Landscape Design and Architecture. And he hustled up jobs and he paid his way through college. At that point he was stuck on one capstone project. And he was having some substance abuse problems, and we gave the job to him for that summer, when you were watching him do that, and he did it. And like I said, if we knew there was a permit requirement, we would have gladly accommodated, complied with that requirement. But he did that on his own. And he did it and actually completed his studies there. He finished his capstone class, and one of his projects, I would be happy to share it with you, is a complete redevelopment of Greenport. He did that as his capstone project. And it's really quite amazing. So he has been clean and sober, sober and clean for a year already. And I kind of think -- he was out there for the whole summer doing that. So it's my son that did it. It was not a contractor. And we kind of like bartered to try get him right on the beam, so it worked out in that case. So we sincerely apologize for any offense that the foreman at work did in front of you, you know. If we would have come over, we would have gladly complied.

TRUSTEE KRUPSKI: One thought that I had, that I had not even brought up, I think, to this point, just in looking at this. You know, you have a yard that slopes into the wetlands. The Trustees are really trying to put in buffers to prevent, as Trustee Goldsmith says, like a waterfall effect directly in. You have, the biggest reason, I mean aside from septic, but it's really that nitrogen that goes on as fertilizer for very green grass. So we sort of have a perfect storm of, you know, heavily fertilized grass, a steep slope, and now kind of what I consider a poor buffer.

Perhaps, just thinking out loud, increasing the size of the buffer here with something vegetated ahead of this platform, you know, or on-grade deck, that might, I don't know, I mean that would remove turf, more turf from the situation, which in essence removes that fertilizer from the situation, while increasing the size of the vegetated buffer that would pull out other nitrogen. I don't know if that's something the rest of the Board would consider.

MR. CANNIZZARO: Can I open up, can I establish some flow below the decking; if I could increase the size of the stone there, maybe to make it more porosity, to increase the porosity and increase the size of the spacing between the Trex to allow more of the storm water to flow into that subgrade?

Because it's recall wrapped with merapi, it's the landscape fabric, it's wrapped, so it's not going to silt up and clog. I wish I could maybe take a picture of it. It runs water, it percolates right into that, those storm drain areas, to those Trex areas. And in answer to the suggestion, I really, you know, giving back three feet to establish a new bulkhead, it was difficult for us, we did it, we complied without any complaint. But to further increase the size of the ten-foot non-turf buffer would be

problematic because it's already real tight. And what I was thinking is maybe we could, you know, when the Trustees first, when the former Trustees first came to the site, and you could see the quality of the grass, we don't put fertilizer on it.

It's weeds, you know.

TRUSTEE KRUPSKI: It's pretty green grass compared to the neighboring properties.

MR. CANNIZZARO: All right. Because we don't do, you know --

TRUSTEE KRUPSKI: And speaking of pulling that retaining wall back, which you, and I admit, you certainly did do, the reason that you had to do that was because we don't allow new bulkheads that are either non-functional or not permitted bulkheads on creeks. Especially in areas where we don't see high impact of wave velocity. So the effort there, now with sea level rise, I believe we failed on this, was to pull that bulkhead line back, make it a retaining wall so that it didn't get its feet wet, and in essence get rid of a bulkhead, a new bulkhead on the creek. So that was something that we had to do. We had codified that. We had to do that.

MR. CANNIZZARO: Right. I'm over it. I get it.

TRUSTEE KRUPSKI: Legally we had to do that.

MR. CANNIZZARO: Yeah, I'm over it.

TRUSTEE KRUPSKI: I certainly don't see that as a bargaining chip with this. Again, I understand the need for the deck or at least a walkway, kayak use, but I mean this is a very steep slope. I mean, I have a hard time with this situation, personally.

MR. CANNIZZARO: What about the flow-thru decking that we used on the dock?

TRUSTEE GOLDSMITH: I mean that could potentially be a solution. Um, you know, I think our problem is the application as currently submitted does not change drastically from the previous one we denied. You know, thru-flow decking and/or an added vegetated buffer, and/or dialing back the current decking, I think we need to go back to the drawing board with this as opposed to just basically resubmitting an application that was previously denied, and spacing it out by half an inch.

MR. CANNIZZARO: For the record, I just want to say, I did not just slide by the seat of my pants on this. I used some very experienced and knowledgeable people in the know, people that frequent this meeting. And they told me, yeah, no problem, you should have no problems with the Trustees. So I did it, and it was really, you know, I felt that I really followed every advice from every professional that I could.

So I mean, this is really, I would like to get the approval to perform the work to the house, the second floor, and this is kind of like holding it up. And I was hoping if there was any way we could agree to the thru-flow decking, I don't know how this office, how the Trustee meeting operates, but if we can have an agreement that I could put the thru-flow deck in, I would do that, and then get the approvals to go ahead to pull the Building Department permits. That's really what we are looking for.

I mean, this is going on, like I said, I went through three architects, tens of thousands of dollars, and everybody's told me different things. And I don't want to say I'm the victim, but it's really been a very unfortunate experience.

TRUSTEE GOLDSMITH: And I think you got consistent answers from this Board. You know, when we initially issued that permit for the dock, you know, our plans and our permits were very specific on what type of buffer that we wanted. So what is constructed, as the LWRP says, is not what we permitted. So this is not a permitted structure. This is not what we asked for back in the day. So that's our concern going forward. So I don't think it is necessarily fair to say we have been giving you different answers.

MR. CANNIZZARO: No, I didn't say that. I said I been getting different answers from people, professionals, that I seek out advice before performing the work that I did.

TRUSTEE GOLDSMITH: Like I said, we gave you a permit with the plans, and if it was built in accordance with the plans in the permit, we would not be back here.

MS. WICKS: Is it an option to remove the decking --

MR. CANNIZZARO: Can I get the flow-thru deck and can we move on with it or no? Any possibility to get the flow-thru?

TRUSTEE KRUPSKI: Are you talking about thru-flow from, all the way from the new patio down to the water?

MR. CANNIZZARO: I would like to just introduce, since the subject was brought up, I would like to discuss what would become an acceptable remedy to replacing the decking with the thru-flow.

TRUSTEE KRUPSKI: Let me try to rephrase that. Are you talking about all the way from your new patio down to the water, doing thru-flow?

MR. CANNIZZARO: Can I change the area to the right and left of the dock and up to the ten-foot buffer, ten-foot non-turf buffer and then continue with the Trex up from that point to the house?

TRUSTEE GOLDSMITH: What you are saying is from the retaining wall seaward to your bulkhead, make that thru-flow and the retaining wall to the house, keep that as Trex.

MS. WICKS: Yes.

TRUSTEE GILLOOLY: To be clear, just keeping that pathway, not widening the pathway.

MR. CANNIZZARO: Well there is an as-built condition shown to the left and the right of the decking, and I would like to just leave that existing and put the flow-thru decking in.

TRUSTEE GILLOOLY: The area that's in the buffer you would put thru-flow.

MR. CANNIZZARO: Yes. May I beg the Trustees indulgence on considering that and hopefully approving it.

TRUSTEE KRUPSKI: Is there a reason you want to leave Trex on the ramp essentially down?

MR. CANNIZZARO: Just because it's in and it would be an expense to change it. But if the decision whether or not you are going to accept it is an esthetic to it, to the Trex, there is an

esthetic to it.

TRUSTEE GOLDSMITH: One of the things we are discussing here is if, so currently with your buffer you have sand and the deck. So if we consider the thru-flow decking as opposed to the Trex that is currently in that non-turf buffer, and then plant it and make it a vegetated buffer as opposed to sand. So you would have your deck with the thru-flow, but then on either side that buffer would now be vegetated with native plantings.

MR. CANNIZZARO: Ground cover, something low.

TRUSTEE GOLDSMITH: Yes. Beach grass, whatever the case may be.

MR. CANNIZZARO: Well, there is vegetation. You claim you have been to the site already, so you see there is some vegetation. Some native vegetation. Like I said, that's all my son, and he likes to plant native plantings, native material, sourcing it locally.

TRUSTEE KRUPSKI: So we are discussing the idea of leaving the Trex and the walkway, as soon as you hit the ten-foot, non-turf buffer, going to thru-flow decking and then the entire area that is labeled "sand" within the non-turf buffer being planting with something like American beach grass.

MR. CANNIZZARO: Or can we propose native material. He does designs. Can I present a design?

Because I don't know what the grass will look like.

TRUSTEE GOLDSMITH: You can make a planting plan and use any sort of native species you would like.

MR. CANNIZZARO: That would be great. That would be great.

TRUSTEE KRUPSKI: If that's the case, we want to see that plan.

MR. CANNIZZARO: If it's going to hold it up, I'll do grass. How would it be, like clusters of grass?

TRUSTEE KRUPSKI: Fill that buffer with grass.

MR. CANNIZZARO: Entirely grass.

TRUSTEE KRUPSKI: Right. American beach grass.

MR. CANNIZZARO: Say 12 inches apart, something like that?

TRUSTEE KRUPSKI: Yes, six to 12, probably would be an appropriate number.

Does anyone have any comments, additional comments?

If it's leaving the Trex -- just to clarify -- leaving the Trex, but anything within that ten-foot buffer be thru-flow, and the remainder of the buffer that is not thru-flow decking to be American beach grass, six to 12 inches planted on center.

MEMBER GILLOOLY: And keeping the same width of the walkway there in the non-turf buffer that way it's not fully thru-flow decking.

TRUSTEE KRUPSKI: Right. As applied for, basically. The dimensions to remain as applied for.

MR. CANNIZZARO: That would be great.

TRUSTEE GOLDSMITH: Anyone else wish to speak regarding this application?

TRUSTEE SEPENOSKI: Just if anyone out there is listening or will read these Minutes in the future, the Town Code 275 is very clear about non-turf buffers. There is a detailed description in 275 that allows for a deck, but it has to be level or pitched



away from the water, and pervious to precipitation. We visited the site, it's not so, but speaking as one Trustee, I think this is an amenable solution to the problem.

TRUSTEE GOLDSMITH: Any other questions or comments?  
(Negative response).

Hearing none, I'll make a motion to close the hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this application with the following conditions: that the decking, as of the plans stamped received January 19th, 2022, the decking that is seaward of the retaining wall on those plans be converted to thru-flow decking, and that the sand non-turf buffer be a vegetated non-turf buffer, with American beach grass planted six to ten inches on center. And by granting a permit it will bring it into consistency with the LWRP.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. CANNIZZARO: Thank you, very much, Trustees.

MS. WICKS: Thank you.

TRUSTEE KRUPSKI: Number 11, Michael Kimack on behalf of **DAVID & BARBARA HAZARD** requests a Wetland Permit for the existing dock consisting of an existing 4'x8' (32sq.ft.) landward deck to a 5'x18' (90sq.ft.) fixed catwalk; existing 3'x18' (54sq.ft.) aluminum ramp; and existing 6'x20' (120sq.ft.) floating dock; construct a 4'x12' (48sq.ft.) fixed dock extension with thru-Flow decking; relocate aluminum ramp and floating dock 12' further seaward and situate the floating dock in an "T" configuration; reface existing bulkhead, approximately 100 linear feet @ avg. 3' in height (300sq.ft.) with 2"x10" tongue & groove HDPE dimensional lumber with 8" diameter pilings @ 6' on-center for additional support.

Located: 1465 Harbor Lane, Cutchogue. SCTM# 1000-103-2-1.1

The Trustees most recent visited the property on the 11th of January, noted will review dock extension at work session, need to review C&R's on bulkhead structure. If dock approved, would require thru-flow decking.

The LWRP coordinator found this to be consistent.

And the Conservation Advisory Council resolved to support the application and noted that the subject property is an ideal location for a living shoreline project.

Piggybacking off of the Conservation Advisory Council's comments, at work session it was discussed at length about how what is essentially there now is not a functioning bulkhead. It's in a very protected area of the creek. It's a non-permitted structure, and this area would probably benefit from something a little less permanent and structural.

Is there anyone here that wishes to speak regarding this

application?

MR. KIMACK: Michael Kimack on behalf of the applicant who is present this evening.

I would like to break my presentation into two parts, talk about the extension of the fixed deck first, then I'll talk about the bulkhead on the secondary.

We are going out 12 feet on the fixed deck, which brings the floating dock into the two-and-a-half feet of water. That is essentially why we are doing it. It's about 135 feet across at low tide, and although I don't show the boat there, I know that Glenn had raised that issue, the width of the boat is about nine feet. So it would be 33% of 45 feet across. So we are within your requirements there. And if you note, I had resubmitted it, you'll see that provide thru-flow decking, at least the four foot, on the whole 18-foot section that is there now, to be in compliance with your requirements.

For the bulkhead, I think your direction basically is, in essence, since it has not been permitted before, and it's not in great shape, the consideration is that you would like to be able to see it removed, as opposed to being renovated, correct?

TRUSTEE KRUPSKI: I think the issue is, it's fairly new construction but not, I mean not yesterday by any means, but it's fairly new construction, I don't think it's serving a great, I don't think it's serving its purpose well, and I think to put a new bulkhead in an area of the creek such as this is just not appropriate and it's not something this Board does, frankly.

MR. KIMACK: Well, it was intended basically to shore up what we had, essentially, by refacing it with 2x10 HDPE board primarily. And then put pilings. So I think we have shown you some pictures indicating that the water I think topped over it, coming in the last storm, primarily, so it would have caused quite a bit of erosion against the bank behind it had that bulkhead not been in place.

TRUSTEE KRUPSKI: I mean, having a history on this creek and, I mean we are offered quite a few pictures as well, I do have the pictures in the file, I think it's an odd spot we are in here where we would be essentially permitting in a new -- I mean putting in piles and re-sheathing it in essence makes it a true bulkhead, which I would say it's not now.

MR. KIMACK: Well, it's a wet footer, so it's a bulkhead as it sits.

TRUSTEE KRUPSKI: It's like a piece of 2x10 with a 2x4 cantilever off of it. But I think it's a tough spot. It's not something this Board would normally do.

MR. KIMACK: Okay, I just, what our proposed is, first of all, we would like to find out if there is any issues with the extension of the 12-foot fixed dock. That section.

TRUSTEE GOLDSMITH: I don't believe we have any issues with that with the thru-flow.

MR. KIMACK: As far as the bulkhead is concerned what we are prepared to do to try to be in conformance is that we would

redesign that, in a sense, we'll cut it back behind the bulkhead down to the low point and reconfigure the slope primarily. There is about 25 feet and an eight-foot riser in there. So the pitch is not significant. It's about a 33 to 34 degree pitch, which we can work with that. Anything more than that, I would not be making this recommendation because it would be hard to hold. And what we would do basically is put a complete filter fabric over that, because it is going to be subject to some severe weather, and it's got to be able to hold that soil in place, and then plant it with American beach grass one foot on center. Having said all that, once we dig behind it, the expectation is that bulkhead probably, I would like to be able to hold that bulkhead in place to the extent that we can, subject to your two years. It probably will fall down before that. But I would like to be able to hold that bulkhead in place to preserve the slope as long as possible, to get the American beach grass growing as an extra added protection to that point. Now it may fall over and we may have to take it out, but it would be within the parameters of your two-year permit.

TRUSTEE GOLDSMITH: So in essence you are saying to create a living shoreline as opposed to coir logs on the bottom, leave what's there currently, and then once the vegetation takes root --

MR. KIMACK: A storm may come along. Once we take the soil away now, if you notice, there are parts of it that does have soil behind it now, primarily, it's pretty much cut out. And it stood. So my expectation is that once we take the rest of the soil out, it may stand. It may fall over. But I would like to be able to hold it in place as a protection until we get some growth out of that American beach grass, which in a year or two we can get some rooting. Now, the filter fabric can go a long way to hold it, but that would be extra added protection against the sea wave action until we begin to get some stabilization. And it falls within your permitting because it would have to be removed within that two-year window of the permit.

TRUSTEE KRUPSKI: I mean something this small -- I'm just thinking out loud -- I mean this is something, I don't know necessarily that I care if it's removed. I don't want it fortified.

TRUSTEE GOLDSMITH: Yes, that makes sense.

TRUSTEE KRUPSKI: I mean, you might consider some coir fiber logs, too, at the base, at least, that could essentially, you could probably abut them to what is there currently, and I would think by the time that structure rots away, and the coir fiber rots away, you would probably have an established bank there, I would think.

MR. KIMACK: Dave, what they are suggesting is they are not against leaving that in place, we may put some coir logs on the landward side of that bulkhead, basically, to be extra added protection. Esthetically, though, I think in the long run, I think you would probably want to remove it as soon as the slope is stabilized.

TRUSTEE GOLDSMITH: That would be up to you.

MR. KIMACK: Because chances are, as time goes by, it's going to break up and it will be a problem with floating debris.

TRUSTEE GOLDSMITH: But your point is by that time it breaks up your coir logs and plantings will take root.

MR. KIMACK: Yes. And that gives us the extra added sense of stabilization until such time that happens.

So I would ask we table this to allow me to resubmit and then also to amend the description accordingly. Of that section.

TRUSTEE GOLDSMITH: All right. Thank you.

TRUSTEE PEEPLES: Mr. Kimack, would you mind explaining again what your proposal is. It sounded like you had mentioned possibly removing some of the soil on the landward side of what we are calling the bulkhead right now. Could you just explain that?

MR. KIMACK: It would be reshaping, it may be some excess soil. I mean, if you look at it now, it comes down basically from the top of the bank pretty much to the top of that bulkhead. In most places, not all. And there are places that are washed out as a result of that. If you lower it down, the bulkhead is about three-foot high. The expectation is to bring that forward part of the slope down to the bottom of the bulkhead as a toe, and essentially you create a new toe, and then take that toe point back up on an even grade to the top of the bank. There is about an eight-foot rise that would be about a 25-foot run. And then cover that, once it's graded out, cover that with filter fabric and then plant the American beach grass in.

TRUSTEE PEEPLES: On the slope.

MR. KIMACK: Yes.

TRUSTEE PEEPLES: Okay.

TRUSTEE GOLDSMITH: So basically regrade the slope.

MR. KIMACK: You would have to regrade the slope. There is no other way to hold it. Essentially it would be about a 33, 34 degree difference, which is sustainable with American beach grass given an opportunity to stabilize itself, to get the growth. That would be the intent, primarily. That then, I think meets your expectation and consideration of a living shoreline.

TRUSTEE PEEPLES: And also to clarify, is that from, seems like there are two lines here from the actual bulkhead, there also seems to be a retaining wall as well.

MR. KIMACK: The retaining wall would come out. Yes.

TRUSTEE PEEPLES: That would come out. Okay, that makes more sense.

MR. KIMACK: The whole thing would be sloped about 100 feet from one end to the other.

TRUSTEE PEEPLES: Yes. Understood. Thank you, for clarifying that.

TRUSTEE KRUPSKI: I think if you want to redesign something that we can take another look at, that would be appreciated.

MR. KIMACK: I think that is something, I have it for you, for your workshop. It would be pretty easy to do. It would be just a typical side section showing a slope, essentially like that,

with the expectation of the filter fabric and the planting on it. It would be atypical because obviously there is an irregularity from one end to the other.

TRUSTEE PEEPLES: Okay, thank you.

TRUSTEE KRUPSKI: All right, is there anyone else that wishes to speak regarding this application?

(No response).

Hearing no additional comments, I make a motion to table the application.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: We'll just take a five-minute recess.  
(After a brief recess, these proceedings continue as follows).

TRUSTEE GOLDSMITH: Number 12, Michael Kimack on behalf of **COVE CONDOMINIUM OWNERS ASSOCIATION** requests a Wetland Permit to clear, grub, regrade a non-wetland vegetated area of approximately 12,750sq.ft.; replant with native grass and install approximately 630 linear feet of one (1) rail high split rail fence along seaward edge of clearing area.  
Located: Meadow Court off Main Bayview Road, Southold.  
SCTM# 1000-87-5-26

The LWRP found this to be inconsistent. The inconsistency is: The purpose of the clearing has not been made clear. That this is a restoration of the area with the objective to remove invasive species. All native species should be preserved. Native salt tolerant shrubs should be included in the plan, and fertilization minimal. It is recommended if application is approved, the area is to be establish with a vegetated non-disturbance buffer.

The Conservation Advisory Council supports the application, however requests careful selection of trees to be removed and to leave some of the cedar trees in place.

The Trustees conducted a field inspection on January 11th, noting a non-disturbance seaward of the fence, and noted that the distance fluctuates based on the distance of fence line to the shoreline. Plant with more native plantings, keep native trees, evergreens. Stipulate no fill proposed.

We also have a letter in the file from a Mr. Peck, objecting to the application. We reviewed this letter at our work session, and it is part of the public record.

Is there anyone here wishing to speak regarding this application?

MR. KIMACK: Michael Kimack, on behalf of the applicant.

You've got -- let me use this as a reference point, which is my drawing. It clearly defines exactly where the wetland is. It clearly defines where we would like to be able to do some additional clearing, and it's certainly, the clearing is not within any of the wetlands plants itself. To some extent it may be

indigenous, for the most part. I don't believe there are any cedar trees within that area because then the wetland line would have been moved forward.

But I want to be able to give you a little bit more background as to why we are doing this, primarily. Certainly it's very close, we wanted to make sure we have enough distance for the required protection, essentially, like that, we moved it farther away. There is another important reason, too. Cove Condominium homeowners association, primarily, as you well may be aware of, where these particular entities are constructed, and the documentation put together, there are 33 owners within this. They own pretty much to the sheetrock on the side of their building. All of the land under their building, all of the common land is, they have an undivided interest in it, but it's under control of the Board that they basically elect. The Board then becomes responsible and accountable for the property, for the common land. And it's within their name that the application was submitted.

The reason, one of the other reasons that this line is being identified this way is because as you walk down the property, you'll notice that a good portion of it, there is a slight incline that goes down, maybe three feet or something like this. Over the past several years there is about 12 homeowners in that area, and they do change ownership. There has been a propensity on occasions, not frequently, but infrequent, to get in there and do some clearing. Now, the perception is that that particular front line is a wetland line. Because there is not really a defined area. The reason they do that clearing is because as years go by that vegetation gets up thigh and becomes a block to their views. That's one of the reasons.

The reason that I chose this and tried to limit it down to as little cutting as possible was to be able to move it back down the hill to the bottom of that hill, to remove from that the necessity for any of the homeowners to do any clearing for the height above that, by taking it down to three feet, for the most part, and lowering it down. But then more importantly, to establish a defined line, which is the non-disturbance line, so that they know and you know, and the code enforcement guy knows that that is where the clearing stops. At that particular point.

We don't have that now. And the Board basically is the one in control. They are the ones responsible, if there was a clearing in there and code enforcement came by, they would get the violation. It's their responsibility. And they are looking at this prophylactically, what could we do to eliminate the need for these people to do this cutting, because the plants, as you know, come right up to the top of that hill there, and they come up pretty high. So there has been that propensity in the past. By going down to the bottom of the hill and removing that three feet and bringing the cutting down to that place, and I have changed it from grass to indigenous plants in that area, the low lying, and so DEC has not yet responded, although they did tell me to put those cut

lines in there and measure back. They would want the definition of that low fence there, because they always put that in there, as well as you do. But that's important to the Board because that defines, and it also defines for the homeowners where they cannot go past, basically. And the reason that I moved it back, and I didn't want to move it that far, is to take away from them the temptation to basically, as time goes by, because as growth comes up on the top of the hill to go there and cut down because it needs to become again, somewhat eradicated. And it has happened. There has been cutting. We have not gotten the violation, but the Board is very much aware of this. They want to be able to establish a line upon which they remove that, they allow the visibility to be as maximized as possible, given the fact that we do drop it down that three feet. We are only moving it about 15 feet in. We are nowhere near, most places, near the wetland line, and it basically gives them a defined line, which everyone knows that you can't go past.

Now it's not a wetland line, but it's beyond the non-turf would be indigenous line going forward on that, and then this side of it we want to make sure everything is kept low, whether it's grass or plantings in that area, it would be low plantings.

That is the other reason of why this was going in. The Board really wants to be able to do something to make sure they eliminate the probability of having fines and violations as people, ownerships change, people get out there, plants grow and all of a sudden there is cutting and then code enforcement shows up.

TRUSTEE GILLOOLY: Can I make a few comments?

MR. KIMACK: Sure.

TRUSTEE GILLOOLY: So that area is pretty well defined as a separate area. I don't believe that adding a fence would really change that. Um, and I think that what we have seen is that a lot, there has been a lot of trimming of the eastern red cedars and, you know, in terms of the health of the trees, they are still very healthy. And I don't believe that by putting that fence there you would eliminate the trimming that is currently happening.

MR. KIMACK: The fence is a requirement of the DEC.

TRUSTEE GILLOOLY: Okay, but what I'm saying is giving up some of that vegetated area for the fence doesn't seem to make that much sense to me.

MR. KIMACK: Well, giving it up because it drops it down. It moves it away from the top of that little bank, it drops down to the bottom, basically, as you saw, that's where the stakes are, so it eliminates for the future, as time goes by, it eliminates this happening again where all of a sudden it grows up and someone goes out there and cuts it down and creates a violation.

TRUSTEE GILLOOLY: How does it eliminate anybody going in there?

MR. KIMACK: Well, because now we've got 15 feet worth of bottom, basically, whatever is growing up will be three feet lower, for the most part, and then beyond that a lot of what is already growing up is not that high. A lot of those plants don't come

up that high three foot down lower from where the house is located and looking over the top of it.

TRUSTEE GILLOOLY: So you are not proposing regrading that area?

MR. KIMACK: All we are basically doing is basically taking all of that out, essentially, and whether we put grass back down or native grass and/or plants in that particular area, we'll keep it low. I mean if you have something against regrading, basically, because there may be an irregularity here and there, we are not putting any soil in, we are not bringing any material in there, primarily. But once you cut it down, you really need to grub it. What I mean "grub it," you take out those roots so they don't continually grow that kind of species plants. And then when you grub it, you basically then have loose soil that simply has to be laid back on a regular slope.

TRUSTEE GILLOOLY: Along with the LWRP, I do question the necessity for this project. I did revisit the site on January 16th and I noted in that area of proposed clearing I noted eastern red cedars, northern bayberry, Greenbriers, goldenrod, all native species that I think should not be removed. If you wanted to do a surgical removal of the invasives that are there, I support that, but I don't see any need for removing native vegetation to replace it with native vegetation.

MR. KIMACK: What I can basically do is have Cole Environmental come back, I'm not quite sure where the bayberries are and where the cedar is at this particular time. If it's within that 15-foot, we would be willing to flag it, basically, and preserve it. And it shouldn't overwhelm, it should not do away with the reason and necessity for what we are trying to achieve here. If in fact what you want to do is preserve that and we clear the rest.

TRUSTEE GOLDSMITH: I think we also had a concern with the, I guess it's the northern area, closest to the marina area, behind that one section of condos there.

MR. KIMACK: Yes. There is very little cutting in there. The wetland line comes up there, I think it's only about two or three feet.

TRUSTEE GOLDSMITH: The wetland line is right by where you want to cut. So, speaking with the Board, I don't think we would like to see any cutting whatsoever in that area due to the proximity of the wetlands. So potentially in that area, and correct me if I'm wrong, from the split-rail fence seaward would be a non-disturbance buffer, correct?

MR. KIMACK: That's what it says.

TRUSTEE GOLDSMITH: So that by definition will prevent any cutting. So they won't be able to go in there and cut anything without, period.

MR. KIMACK: Can you point out to me roughly on that drawing?

TRUSTEE GOLDSMITH: Right here. I don't think you are going to see anything, at least in there. Because the wetland line is there.

MR. KIMACK: Starting at this point.

TRUSTEE GOLDSMITH: I would say starting from the edge here. So



this at least gives you a little bit more of a distance between the wetland line and where you are proposing cutting. But this is pretty much --

MR. KIMACK: Okay, I can amend it.

TRUSTEE GOLDSMITH: And then the other thing, like we said, Was flagging the native species that are in there. We would definitely like to see those.

MR. KIMACK: I can get Cole out there to flag. Simply what I can do is amend my plan to take at that area off, amend it to flag the native species within that zone and then to basically take everything else out, I'll leave the native grasses back or native plantings.

TRUSTEE GOLDSMITH: Yes, so if you can get us a new set of plans to show the removal of and the cutting there.

MR. KIMACK: And I'll put a note on there, I'm not quite sure where these native things are.

TRUSTEE GOLDSMITH: Maybe a vegetation cutting plan or whatever.

MR. KIMACK: I understand what you are looking for.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application? Yes, sir?

MR. PECK: Thank you listening to me tonight. My name is Charlie Peck, I'm a retired veterinarian, board member at Cornell Cooperative Extension. I farm oysters, I grow the algae for the SPAT program.

My wife and I bought a unit at the Cove ten years ago in the spring. In October, Hurricane Sandy came through. I wish to tell you about that. But first I want to answer some of Mr. Kimack's contentions. When he submitted this permit, two reasons were given: To reduce fire hazard and to increase access. Now, it's a great idea if he's talking about it's going to prevent all of us owners there from going in and trimming.

Actually, it's the opposite. You cut it all down, you clear it out, it makes it easier to get in there and trim it. What the owners do when they are trying to get in there is not get rid of those things, they are trying to control the height of the things in there so it doesn't block their view.

So by trying to get rid of that you are increasing access and making it easier for people to get in there and do what they were doing before. So they are increasing access.

Fire hazard. There is numerous buildings in the Cole complex that are in much closer proximity to wooded areas than the buildings that are affected by this.

When we moved in in 2012, we lived 20 feet from the beginning of the buffer zone. Not the wetland, which is all that Mr. Kimack has referred to. Wetland, wetland, wetland. If you don't mind, I want to read just a couple of sentences from the LWRP literature. It says, and I'll just put my glasses on so I could read more clearly.

In addition to protecting and improving the Town's wetlands, adjacent lands that provide buffers to wetlands must be maintained and enhanced. And where appropriate, re-established.

We have a buffer there. And it works perfectly. And that's why I want to talk about Hurricane Sandy.

On October 22nd, Hurricane Sandy came. We had only been in our unit about three or four months. The high tide and the hurricane arrived at the same time. We watched as the water crept up and crept up. By 5:30 in the afternoon, it was right at the edge of the lawn, the 20-foot lawn that runs between our unit and the beginning of the buffer zone. It stopped there. Why did it stop there? Because we have all these native trees, native plants, holding the soil, acting like a sponge, and keeping the flood water. I see you're shaking your head. You should have walked down to the dock where we keep our boats after Hurricane Sandy. All our streets between the building, all flooded. All of them. Completely flooded. So what's the difference? We faced it head on. Corey Creek was no longer a creek during Hurricane Sandy. It was part of Peconic Bay, because the beach across the way from us was completely underwater from the storm.

So what is the conclusion from this? This buffer zone operates perfectly well with native plants, native trees, which were mentioned before, and there is not a decent reason to cut some of this back. Because if anything you are allowing the owners to have more access.

MS. PECK: Can I add one thing? I'm sorry. I'm Ronnie Peck. I do what to state that it's in the policy here that Corey Creek is part of the significant coastal fish and wildlife habitat in Southold. And I documented in our e-mail to you about the hundreds of birds and ducks that come in and get their shelter and substance from the very things that are being proposed to be taken out. And I just really don't understand how that is in line with the policies.

We have lease terns that come and inhabit Corey Creek every year. They are an endangered species. So why are we trying to jeopardize that? That's all I wanted to add.

MR. PECK: So we have this buffer zone. This buffer zone does two major, major things for Southold. I'm going to give this, can I hand this to someone.

This is the New York DEC's map of Southold creeks that shows where you can shellfish. You'll note that almost all the creeks in Southold and all of Peconic Bay have limited shellfish seasons. You can count one, two, three, the number of creeks in Peconic bay that have shellfish clean-enough water year-round. Corey Creek is one of those creeks. Right by us.

I have an investment to protect there. If I feel that buffer zone is helping keep the water out of my unit, I think that's a good thing. I think removing part of that buffer zone for whatever reason can jeopardize that. We didn't get an ounce of water in Hurricane Sandy nor in all the nor'easters since, like last Sunday night. So we have a buffer zone that works perfectly well, with no legitimate reason to change it.

I think this should be turned down. I don't see that it has

any good rationale.

And I just want to add one last thing and I'll let you go.

It's very interesting for me to listen to all these permits. And they almost all have to do with construction or bulkheads or things that they want to do to change the basic structure of what they are doing. And I respect that. But there is nothing here, nothing here, that this permit is doing except violating a perfectly good buffer zone which just needs a little cleaning up and some more native plant, which already has native trees and plants. There is no rationale for it.

I appreciate you listening to me tonight. Thank you, very much.

TRUSTEE GOLDSMITH: Thank you, sir. Let me point something out quick. With this proposed project, if it is approved, with the split-rail fence, with the non-disturbance buffer seaward of that, that protects that land in perpetuity. It goes on the deed and you are not allowed to touch it, to clear it, to cut it, to do anything. Right now there is no such condition. So I just want to state that for the record.

Some spots, it's varying in length, you know, based on the drawings here. There's some spots where it's 108 feet to the wetland line, not necessarily the creek. There is other spots where it's 44 feet. So it's varying. So this is not giving a blanket permit to cut everything down to there. Conversely, it's protecting what the majority of what is there, in perpetuity, as a non-disturbance buffer.

MR. PECK: The split-rail fence is not permanent. So what's the point?

TRUSTEE GOLDSMITH: It will be on the deed. It will be on the condition of the permit. And it will be a violation that you can get. It's an enforceable violation from the Town, from code enforcement, which there doesn't exist. Someone can go in there and cut to a certain extent, like this 108 feet. If they are at 100 feet, 101 feet, they can cut down without coming to this Board for a permit. But if they do this, then that is protected in perpetuity. Again, what is submitted, and I think we discussed it, is not a finished product. We do have need to do some tweaking to protect the native species that are there as far as changing the line in some aspects where it's too close to the wetland line. So it's a little bit --

MR. PECK: Where do you recommend doing construction work that is un-needed?

TRUSTEE GOLDSMITH: There is no construction.

MR. PECK: You are putting a split-rail fence in.

TRUSTEE GOLDSMITH: Split-rail fence for this Board is deemed minor in nature. It's usually an administrative permit.

MR. PECK: But it doesn't need it.

TRUSTEE GOLDSMITH: It delineates the buffer between what you are allowed to cut and what you are not allowed to cut.

TRUSTEE KRUPSKI: We are also not putting a split-rail fence in. We are discussing the idea of putting a split-rail fence in.

MS. PECK: Can I ask one question, please.

So are you saying that right now if homeowners go in and trim in that area, they will not be subject to any kind of a fine?

TRUSTEE GOLDSMITH: I'm not saying that. Chapter 275-5, within the Trustees jurisdiction is 100 feet. So looking at these current plans, there is one that is 108 feet to the wetland line. So theoretically, being that it's over 100 feet away from the wetland line, that falls outside of Trustee jurisdiction. So somebody can do something in that and would not need to come to this Board for permission. If we condition a non-disturbance buffer, that is set in stone, that's on your deed, that is an enforceable thing going forward.

MS. PECK: Okay, thank you.

TRUSTEE GOLDSMITH: It would also bar future applications from altering or impeding on that non-disturbance buffer. It saves it in perpetuity.

MR. KIMACK: A quick observation. I respect their concerns. But when you talk about Sandy, basically, whether you had wetlands or whether you had indigenous plants or whether you had grass, water rises to a particular level, basically. And luckily it did not come up. But whether or not it was grass or plantings in there would not deter that level from being reached. And I think that's, pretty much as I understand it, to the top of that little bank right there, and luckily it did not go any further.

But the buffer, whether it was all wetland or plants or all indigenous, would have really no effect on how high that water got.

TRUSTEE SEPENOSKI: I think we understand that.

MR. PECK: The comment about that fellow who destroyed a 100-acre farm in Minnesota, what he says just doesn't hold any water.

MR. KIMACK: It's a lot water.

TRUSTEE SEPENOSKI: There is a difference between native plantings, with all due respect, and grass. Grass cannot handle a salt intrusion of that kind of significance, whereas native plantings do tend to rebound because they are adept to those areas.

MR. KIMACK: There is certain salt resistant grasses that you can put in.

TRUSTEE SEPENOSKI: Okay. Those are?

MR. KIMACK: I'll get you a list.

TRUSTEE KRUPSKI: I think at this point, I mean regardless, I'm assuming --

MR. KIMACK: I have to come back to the Board anyway.

TRUSTEE KRUPSKI: Right. So I'm just going to speak very openly with my opinion of the project. I don't mind a minor cleaning up of the edge there, necessarily, if it avoids taking out any of the native trees or any of the bayberry species. They would have to be flagged. But for me, the 15-foot is too much. That's just one opinion, but I'm letting you know, since you are going back to the drawing board, this is a little bit more than I'm comfortable doing. Because those condos were put there, they

should have a buffer to the creek. They all have traditional septic, obviously there is a landscape crew that comes in and does work there. That area deserves a sizeable buffer. So cleaning up five feet of buffer just to have a cleaner edge there, that I can kind of understand, you have some Mugwort there, maybe, but just for me, 15 feet is a little aggressive.

TRUSTEE GOLDSMITH: And I'll add to those comments, because you mentioned before about the three-foot slope down. So I don't think three foot, the slope down, is 15 feet in. So you might be able to dial that back.

MR. KIMACK: I'll take a look at it. Some places it may, basically, depending on where it slopes down to the bottom.

TRUSTEE GOLDSMITH: So I think, as far as I know, we are pretty clear that we need to readjust this proposed plan, dial it back, identify and save any native species and then potentially it might be best to meet you out in the field again, at next month's field inspections, so we can, if Cole flags them.

MR. KIMACK: If I can get it done that quickly. If not, I'll let you know I may have to postpone it for the following month.

TRUSTEE GOLDSMITH: Yes. Sure, so we'll table it until --

MR. KIMACK: Let you know, flag that out and get you a new set of plans. Fair enough.

TRUSTEE GOLDSMITH: Yes. Any other questions or comments?

TRUSTEE GILLOOLY: A new set of plans and maybe a planting plan of what you intend to put in.

MR. KIMACK: Specifically?

TRUSTEE GILLOOLY: I think general species would be appreciated.

MR. KIMACK: Okay.

TRUSTEE GOLDSMITH: Hearing no further comments, I'll make a motion to table this application.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 13, Michael Kimack on behalf of **VASILIS & CHRISTINE FTHENAKIS** requests a Wetland Permit to demolish and remove existing cottage, foundation, wood deck, and walkway at bluff; demolish and remove existing two-story frame house, foundation and associated structures near Nassau Point Road; construct a new foundation, new one-story dwelling with a 2,476sq.ft. Footprint; install an on-grade 684sqf.t. stone and/or brick patio; and to remove six (6) trees of varying calipers.

Located: 6925 Nassau Point Road, Cutchogue. SCTM# 1000-111-15-9

The Trustees most recently visited the property on the 11th of January. The notes are as follows: Needs septic located on site plans. Needs stairs from seaward side patio located on site plans down around that swale area. Needs drywell and drainage from house and patio. Questioned the pier line and location of house in very close proximity to bluff. And needs a non-turf buffer also on the plans.

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council resolved not to support the application. The Conservation Advisory Council did not support the application as submitted. There is concern of destabilization of the bluff and the rear setbacks in the proximity of the top of bluff.

I should also note that I'm in receipt of new plans dated November 19th. No, those are not new plans. Hang on. (Perusing). Here it is. I do have the new plans, January 18th, 2022, that we received yesterday.

Is there anyone here that wishes to speak regarding this application?

MR. KIMACK: Michael Kimack, on behalf of the applicant who is also present this evening.

We did, during our site visit, did request that information, and I believe it is on the new set the plans that you received.

I want to walk through this project with you. I know one of your concerns would be the close proximity to the top of the bluff. This is a very interesting piece of property, which is somewhat different and more unique than its neighbors. But let's talk about really your jurisdiction, the hundred feet, basically. I mean, it was set up primarily to avoid constructing a house and then having the house subject to the deterioration of the bluff in front of it. We all know why it was done.

Nassau Point is a bit of a different animal, primarily. When you look up and down, I mean, I know that you look at the mediacy in terms of the pier line, and we believe we meet that pier line. When you look at Nassau Point, it runs all the way east to west across there, a lot of the houses are fairly close. As a matter of fact, we visited the one next door and I think we were back about 32 or 33 feet, primarily, that had an existing foundation. And I understand the difference there. But what we are getting down to, and you'll find also in your records, that there was an engineer's report saying that the stability of the slope there was sea grass basically established. And we know it's a stable slope. What makes it a stable slope is the bulkhead. That is the difference. If the bulkhead was not there, if we didn't harden or it had not been hardened, and as a matter of fact the entire line of Nassau Point is hardened by bulkhead from one end to the other. That's the only reason that the slopes themselves and the houses that are within 20 feet, 30 feet, 40 feet from the top of that have not been subject to collapsing bluffs, essentially, like that. And I implore you to take that into consideration in this particular section where you have that hardened front out. The height of that basically eight-and-a-half to nine-foot line is equal to the height of the velocity energy line. And that's another reason that basically it's getting protection.

This particular slope has really, has had a little minor

Erosion, but has not been subject to catastrophic failure as it might have been in other areas without having the bulkhead in place. Whether it's back 20 feet or 30 feet, the question really before you is if we've got a stable slope, your first immediate question was, well, can you tell us how long that is going to last. The storm will come up and take it out. It has not happened yet. And we've had some pretty good storms throughout that area. The question is would you expect one to be of greater significance than Sandy? Hopefully not. That's supposed to be a thousand-year storm. The perfect storm coming through.

So we've experienced on this property heavy, heavy storm activity, with no significant intrusion on that slope and we are bringing it down. So whether it's back 20 feet or 30 feet, as long as that slope is intact and remains intact, has remained intact and will continue to remain in-tact, the distance really becomes not that significant in terms of setting it back to meet your requirements. You want to make sure it's back far enough in case everything slides down into the ocean. In this particular case, as well as all the neighbors, they are pretty much in the same boat in terms of their distance, located from the top of their bluffs, primarily. It happens to be this one is hardened with the bulkhead. All of them are. That's the only reason they have able to hold back.

I know Mr. Fthenakis is placing that house there, at that high point, bringing it back about ten feet. The other implication, is, yes, we have a pool behind the house and yes we would prefer not to take it out, and yes that may not be a major consideration to you, but from a financial point of view it is a major consideration for my client. It will cost 20 to 30 to 40 thousand dollars to get it out of there and \$150,000 to replace it. This is a retirement home, primarily. But the other thing, too, if you remember it, the property drops off quite a bit from north to south. It's not just gradually going all the way back, essentially like that. And he loses about 15 feet even going back ten or 20 feet. He loses 15 feet from the top all the way back down there. And just to even maintain some semblance of a view of why you are on that shoreline to begin with, he really needs to be on that high point, because we really can't drop it down 15 feet. He won't be able to get a variance for a third floor to go up that high. And that's one of the reasons that the house is positioned the way it is, pulled back about ten or eleven feet, if I remember correctly, in that particular case.

The existing house is being taken, the one on the bottom is being taken down, so in essence we have here what we believe to be on this particular property, a house that fits the unique characteristics of the contours. Yes, it's 21, 22 feet back from the bluff, but I explained to you why I believe that is not a necessarily significant setback given the circumstances of this bluff, the circumstances of the area, and the history of the kinds of storms that have already visited this, without the kinds of catastrophic failings on the slopes that you really

have envisioned when you put the 100 foot there in the first place.

TRUSTEE KRUPSKI: I'm just curious, not that this necessarily has a part to play, but is the existing pool gunite or is it --

MR. KIMACK: No, it's liner.

TRUSTEE GOLDSMITH: Mr. Kimack, I'm confused, too. It talks about a one-story dwelling?

MR. KIMACK: No, I made a mistake. It's a two-story. That's my error. I'm not quite sure how one-story got in there. It's a two-story. On the plans it's two-story. I made an error when I put it together. I'm not sure where I got one-story from. story. But from a zoning perspective it meets the two-story requirements where the foundation is more than 50% in the ground to the finished grade, primarily.

I mean remember, we were to zoning already, primarily, so this was already submitted to Zoning. Zoning did not make a decision. They wanted you to review it first because you both have concurrent jurisdiction over the jurisdiction 100 feet from the bluff. But Zoning did look at these plans relative to meeting the height requirements and meeting the fact that Zoning is two-story.

TRUSTEE GOLDSMITH: How many square foot is this proposed house?

MR. KIMACK: Square footage on the house?

MR. FTHENAKIS: About 55. Is much more of the second floor than of the first floor. Can I approach?

MR. KIMACK: Yes, please.

MR. FTHENAKIS: First, let me introduce myself. I am Vasilis Fthenakis with Christine Fthenakis, the owner of the property. Thank you, for hearing. Long day. It has been a very long day.

I have been working 44 years. I'm environmental engineer at Columbia University. Before Brookhaven National Lab. And my wife is 66, we both plan to retire in a year or two. If we can put the house there. And become permanent residents of Cutchogue. So the plan is to sell our house in Dix Hills and make actually, make a new house, if we are actually allowed to build where we are. Otherwise we keep the old house. But the old house is 100-years old so, you know, so we take it down. So I think if, I mean, we don't want to build landward of where we are, because it is going to cause a big hardship on us. I think at least threefold hardship. One is the pool. Not only the pool but is also we have to raise the house in order to get the view. And that is additional construction. That is number one. So my architect is telling me maybe another 150,000 for the additional of raising another four, five feet, the ground floor. Plus removing the pool, plus making a new pool.

Second of all, we have more steps going up. We are getting old. I have a hip replacement. My wife a knee problem. We have to have more steps to get in our house. So it's issue with health and wellbeing.

Number three, again, actually welfare. You know, was born by the sea. I want to retire by the sea. And, you know, I know a lot



about bluffs, although I'm not a geologist. I am an engineer. I have three experts telling me that the bluff is stable. I have a professional engineer, structural engineer, tell us that. Just the only precaution is not to use any machinery ten feet, actually construction ten feet from the edge of the bluff. We don't plan to do anything there. 22 feet to the closest. We proposed will be 38 feet because the house, the footprint is an L-shape, will be 38 feet from another part of the edge, and the whole front will be a thousand-foot zone. The whole front. So we plan to have just the patio there, ground, patio, from the house all the way to the edge of the bluff. Everything will be no turf. I don't like lawns anyway. The whole thing will be no-turf zone.

For those three reasons, again, but if you allow me, I think I'm going to go over the balancing test. Balancing test that applies to any actually publication for variance. It's six factors. That number one is understanding is the applicant cannot realize a reasonable return unless the variance is given.

We have actually, we save for 45 years to be able to get near the waterfront. If we cannot be by the water, you know, actually we don't get return on our investment.

Going back, will increase the construction cost, as I mention 150,000-200,000. Now, as Mike actually alluded to, the property is unique. Because the slope. And the slope land wise. So there will be no rainfall toward the bluff. The bluff remains stable. And is not stable, let me add, if I may, it's not only stable because of the backward. It's stable also because it's vegetated. It's well vegetated. Very well vegetated. With actually the trees and a lot of grass. So the bluff, as I said, is very stable.

Number three, I think if the requested use variance is granted, would not alter the sense of character of the neighborhood, because immediately adjacent houses would get the same distance from the water. And I have provided aerial photographs. If you don't have them, I have five copies with me. I can leave those with you, showing the two adjacent houses when we go ten feet back, the cottage is 15 feet. We plan to go ten feet back, would be exactly at the same distance from the water by the immediately adjacent houses. One house further would be even closer to the water than us. So I have five copies with me  
TRUSTEE GOLDSMITH: We have it in the file.

MR. FTHENAKIS: Thank you. So it doesn't alter, if the requested variance is granted, it would not alter the essential character of the neighborhood.

Now, the last hardship has not been self-created. The property has actually been there for, many, many years. The requested relief is absolutely necessary to avoid unnecessary hardship and at the same time it preserves and protects the character of the neighborhood and our health and safety. My wife's and ours. That we don't want really to get up so many steps if we are to raise actually our house. And I think the spirit of the ordinance would be observed, public safety and welfare will be secured,

and substantial justice will be done. Because justice will be done to us and zero loss to the community.

Actually I think it would be gain to the town because we'll take down the old house and we are going to build a new house, better for the market, better for the taxes. If we are not granted this, we stay in the old house. It doesn't make any sense to us to build anything if we are not given permission to build by the water, to see the water, to feel the water, to smell the water.

So this is my appeal to you, as a person, as a resident of the Cutchogue, that I want really to contribute. I have an interesting hobby. I'm a swimmer. I have been swimming until the end of October. I want to work in preserving the bay as much as I can. I think I have some skills to actually contribute to the quality of life in Southold. And I want to become a resident of Southold.

TRUSTEE GOLDSMITH: Thank you, sir.

MR. KIMACK: Going back to your question. The footprint of the house is 2,476.

TRUSTEE GOLDSMITH: What about total square foot?

MR. FTHENAKIS: We plan another 1,000.

MR. KIMACK: So that would be about 3,500.

MR. FTHENAKIS: About 37, yes.

MR. KIMACK: The second floor is not the total of the first floor.

MR. FTHENAKIS: I think we are going to make actually the whole shell but we won't have budget to finish the upstairs. Not for a few years. So we plan actually to have only two bedrooms upstairs, less than 1,000. The rest will be just a shell for later, for the kids and so on.

TRUSTEE KRUPSKI: I think for starters, you know, the office received a lot of this information yesterday. I certainly have not had time to sit and review it all. There's a couple of letters from I believe the neighbor is an engineer, I think there is a letter in there from him. And someone with New York Sea Grant. As well as for the documentation that we were looking for, which is the steps from the patio on the seaward side, steps from the structure by the swale, location of the septic. So that's all things we are going to have to review. I did note that Trustee Peeples pointed out on the plans the set of steps on the seaward side of the house in front of the swale, and then the next page when they show a side profile, the steps are not there. So there are a few little details that we do -- I would certainly like to table this to actually have the time to review these documents.

TRUSTEE GOLDSMITH: And also, I think there was a question with the pier line, too. With the line as written, it seems a little further seaward than what we mapped out. I think we will need a new set of plans, or survey, with the actual houses, adjacent houses, with the pier line established there.

TRUSTEE GILLOOLY: To be clear, just the two adjacent houses.

TRUSTEE GOLDSMITH: Yes.

MR. KIMACK: You want it on the survey?

TRUSTEE GOLDSMITH: Yes, please. Because I believe you submitted a Google Earth one with the line. When we did a Google Earth of the line, our line was slightly different than yours. So just to clarify everything, you know, I think we would like it. Because it did seem that your line as drawn was obviously a little more beneficial to your applicant than what is really the pier line.

MR. FTHENAKIS: May I? I did the line. It's very accurate. I use Power Point. I get to the Google map. I drew a line.

There is no -- I did it myself.

TRUSTEE GOLDSMITH: I don't know, we did it on Google Earth today and our line was slightly different than your line. So I want to make sure we don't --

MR. KIMACK: I think what you are asking, Glenn, basically, in order to do what you want, I have to get the surveyor up there to shoot both houses on both sides and then draw a line through, correct?

TRUSTEE GOLDSMITH: I would think so. It's the only way to do it.

TRUSTEE KRUPSKI: Something at this point, a lot of times this office will accept a line drawn with Google Earth or satellite image. But that's often when we are not dealing with something that close. And we are really that close. I mean, I looked at your line and I looked at our line and they are different, and I mean it's very close to what our code allows. I need something a little more official. I don't know necessarily a survey, but --

MR. FTHENAKIS: There is nothing more accurate than a photograph.

TRUSTEE KRUPSKI: The line you gave us is five feet wide. I mean, what is the accuracy in that?

MR. FTHENAKIS: Oh. Okay. That would be, I mean the thickness of the line.

MR. KIMACK: I can probably get permission, if I can go on the property, I think I can get it, I can stand at the corner of each house and see the other house, I can get a pretty good idea, within a foot of where that intersects with the new property line.

TRUSTEE KRUPSKI: That's possible. The issue is, right now, is that the house is in the way.

TRUSTEE GILLOOLY: The line drawn bifurcates the house almost exactly in the center.

MR. KIMACK: Unless the other house is taller. But I don't know the answer to that one right now, Liz.

TRUSTEE KRUPSKI: We definitely need time to review that. If you can in the meantime come up with something slightly more accurate.

MR. KIMACK: Getting an accurate depiction of the pier line is what you are looking for. And I already corrected it. It's two-story rather than a one story. But the footprint remains the same. That was part of the description.

TRUSTEE PEEPLES: And with the location of the new IA system, the way I read the plan it was just kind of blocked in. It didn't seem to be very clear. So maybe when you are looking at the plan --

MR. KIMACK: The reason is that basically you have to turn it over to a PE or an architect to designed it. So what they basically did is just have an aerial where it is going to fall in primarily based on the pitch to go down. It's such a long way to maybe put a manhole in there to stop the flow.

TRUSTEE PEEPLES: It does seem far from the house. It's a pretty far run.

MR. KIMACK: The Health Department basically will set that standard in terms of how far you can run without having a distribution manhole.

TRUSTEE PEEPLES: If you can just take a look at that as well, that would be great.

MR. KIMACK: Yes. I think what they did, they worked it into the design. This is the area where it's the only place we can put it, given the pitch, essentially like that, getting down there. Because on the other side where the old house is, the pool intercedes between the two. So you really can't run the pipes there. You want to keep the pipes this side, toward 77025 in order to run down the driveway to get that point. That's why the septic area is down there. And the drywells are above it.

MS. PEEPLES: I understand. Thank you.

MR. KIMACK: That was a little bit easier, the drywells. But the architect simply didn't feel he was going to specifically lay out the design of the new system, of the IA system. He doesn't do that. He just identified the area upon which the DE would most like flow.

TRUSTEE PEEPLES: Okay. Thank you.

MR. FTHENAKIS: May I ask a question. I understand that the thickness of the line could be two feet. If that's the only issue, obviously, I mean, we can get into the expense of asking surveyors to do that and make a line. Also we could add actually have expense of getting sanitation professional engineers to locate exactly everything. I mean what we have is preliminary. Because, I mean, we think there is a lot of area for the sanitation, a lot of area for the drywells. But those locations have to be validated by sanitation engineer. Now, should we do all of that in given the uncertainty if we are going to actually be given the variance? That's my question.

TRUSTEE KRUPSKI: I think that, you know, we have some new documents in here that we really need to review and submit. And I don't think I could answer that question without looking through everything. And, you know, still taking into account the proximity of the bluff. Again, without reading through the other documents and seeing who the engineers are and what they said, it's difficult for me to say. Just looking at this project from the start, it's very, very close to a bluff, and I don't think I have ever approved anything that close to a bluff before. But again, I have to read through everything to have a reasonable perspective with the information.

MR. KIMACK: The most important thing you are looking for is to validate the pier line with more accurate representation.

TRUSTEE GOLDSMITH: I think we have additional concerns. I know going back when we first met for pre-submission with that swale on the bluff. You know, some concerns on that. Which are still there. But there is a lot to this file. And a lot of new submissions that we need to take some more time to look at before we --

MR. KIMACK: I'm not quite sure how we can correct the swale area. Because it was cut in before, I mean certainly years and years ago, and then the staircase was designed to the swale.

TRUSTEE KRUPSKI: Right. And I don't know, the swale can be a natural swale, too. I don't know that that was cut in necessarily.

MR. KIMACK: It, appears so. Only because of its configuration.

TRUSTEE KRUPSKI: And I'm not, really not going anywhere at this point, but I mean the garage is in front of the swale. I don't think you need a view from the top of your garage to the water. The cars don't need to live near the water. So.

TRUSTEE GOLDSMITH: And --

MR. KIMACK: You have an IA coming. Those cars may need to be more sensitive.

TRUSTEE GOLDSMITH: I don't think we ever, at least in my tenure, approved anything in swale on a bluff before. I think that will be problematic as well.

TRUSTEE KRUPSKI: We really need to take a look at this and review the new documents.

MR. KIMACK: There may be an alternative. I'll talk to -- I've got something about that. We'll consider that.

TRUSTEE PEEPLES: But I think the majority of us do not support anything in front of that pier line, as a first step.

MR. KIMACK: That's the one we want to accurately depict to plan where we are. In essence I think what you are saying is we will either be right on or we may be one or two feet over. If we are one or two feet over we may have to make the consideration to adjust the size of the house back to the pier line. I don't see it being more than a couple of feet right now. That is something we would be willing to do. But let's make sure we get an accurate pier line, get that off. And if in fact we are over, more seaward of that pier line then way have to make the adjustment. That's part of it. The other one, let me take a look at that cutout going down there. We may be able to do something.

TRUSTEE PEEPLES: I think if that meets the nature of what is naturally happening with that swale and then you look at where the foundation meets that. The house is, the foundation is being built into that. So there is some concern with that. And the drawings don't reflect any of that. The swale is actually not present on the drawings, when in fact based on what we saw on site with the stakes the foundation would be built into that.

MR. KIMACK: Well, it's present on the plan, on the surveyor's site plan. It's there.

TRUSTEE PEEPLES: Yes, I'm referring to the elevation of the house.

MR. KIMACK: Oh. Okay.

TRUSTEE PEEPLES: So it has kind of a, for lack of a better word, very kind of smooth, flat area of the grade shown and in fact the foundation would be kind of built into that. So I think that is part of our concern with the swale as well.

MR. KIMACK: I'll talk to you -- I've got an idea --

MR. FTHENAKIS: Maybe have to bring the architect here and explain it. The way I understand it, is that it will be actually a slab. It won't be a full basement. There is a basement now in the cottage. So we are going further back from the existing basement. So it will be very little excavation. Not only we go back, but will be very little excavation because of the slope and because of the existing basement. It will be a little bit bigger, the house, but the extension of the house is even, is 58 feet, because of L-shape. The extension of the house beyond the footprint of the cottage is 58 feet. Not 22 feet. We are going further back. And there is a slope, actually enables us to have the basement with very little excavation.

All of those factors, you know, I'm engineer, I would not do anything to risk my property. We have to look into that. Perhaps there is more details that needs to be shown here. I think it's a very, what we proposing is very, very safe. Absolutely safe, for at least our, you know, life duration.

MR. KIMACK: We'll take a look at that swale to see if we can present it in a more clarifying way. I think that's what the Board is asking for.

TRUSTEE SEPENOSKI: Please do try to push your sweat time into November. October is pretty good. But I think you can do one better.

TRUSTEE KRUPSKI: All right. Thank you. Are there any additional comments, or any comments from the Board?

(Negative response).

Hearing none, I'll make a motion to table the application.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

Motion to adjourn.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

(Time Noted is 9:30 PM).

Respectfully submitted by,



Glenn Goldsmith, President  
Board of Trustees